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EDITOR: Anoop Mishra

The Journal of Parliamentary Information, a quarterly publication brought out by the Lok Sabha Secretariat, aims at the dissemination of authoritative information about the practices and procedures in Indian and foreign Legislatures. The Journal serves as an authentic recorder of important parliamentary events and activities. It provides a useful forum to members of Parliament and State Legislatures and other experts for the expression of their views and opinions, thereby contributing to the development and strengthening of parliamentary democracy in the country.

The Editor would welcome articles on constitutional, parliamentary and legal subjects for publication in the Journal. A token honorarium is payable for articles, etc. accepted for publication. The articles should be type-written on only one side of the paper.

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EDITORIAL NOTE

The Inter-Parliamentary Union (IPU), established in 1889, fosters inter-parliamentary cooperation and provides an effective forum for discussion of common issues and challenges before Parliaments and parliamentarians. The 133rd Assembly of the Inter-Parliamentary Union (IPU) was held in Geneva from 17 to 21 October 2015. An Indian Parliamentary Delegation, led by the Hon'ble Speaker of Lok Sabha, Smt. Sumitra Mahajan, actively participated in the Assembly. Addressing the Assembly on the theme *The Moral and Economic Imperative for Fairer, Smarter and more Humane Migration*, the Lok Sabha Speaker said that Indian history showcased one of the finest examples of fairer, smarter and more humane migration. In this context, she mentioned the fact that the Parsis, who emigrated to India for reasons of religious freedom, got fully integrated and assimilated themselves into Indian society. Their achievements are not only respected by the whole nation but all Indians also take pride in their success as their own success. Smt. Mahajan felt that sustainable development can only be achieved with the inclusion of all groups. Observing that parliamentarians need to support for greater international efforts to supplement national efforts in addressing the challenges associated with migration, she called for concerted efforts to promote teamwork amongst nations to maximize the benefits of migration while reducing its negative effects. While participating in the General Debate, the Lok Sabha Speaker said that inclusive growth is central to all human endeavors. The process of globalisation has broken the barriers of the nation state, facilitating seamless movement of people, goods, services and ideas. She felt that far from being propelled by economic reasons, the current crisis in migration was mostly about refugees, and stressed that in the Indian philosophy, the whole world is one family and the idea of migration has to be seen against this background. She further emphasized that Integral Humanism is deep rooted in the Indian psyche. A brief report on the event has been included in the feature 'Parliamentary Events and Activities' of this issue. We also include the text of the speech of the Hon'ble Speaker, Lok Sabha, delivered at the 133rd Assembly of the IPU in this issue.

The other important inter-parliamentary events included the *Climate Change Workshop*, which was jointly organised by the Commonwealth Parliamentary Association (CPA) and the United Nations Environmental Programme (UNEP), that was held in London, United Kingdom, from

26 to 28 October 2015; the *33rd CPA Australia and Pacific Regional Conference* that was held in Darwin, Australia from 24 to 26 November 2015; and the Meetings of the *34th Session of the Steering Committee of Parliamentary Conference on the WTO*; the Parliamentary Session within the framework of *WTO Public Forum 2015;* and the *WTO Public Forum 2015* that was held in Geneva, Switzerland from 30 September to 2 October 2015. Indian Parliamentary Delegations attended all these events. A brief account of these meetings has also been included under the feature 'Parliamentary Events and Activities'.

We also carry in this issue the other regular features, *viz.* Procedural Matters, Parliamentary and Constitutional Developments, Documents of Constitutional and Parliamentary Interest, Sessional Reviews, Recent Literature of Parliamentary Interest and Appendices.

In our constant pursuit of making the *Journal* more enriching and useful, we would welcome suggestions for its further improvement. We also welcome informative and original articles pertaining to parliamentary procedures and institutions from Members of Parliament and State Legislatures, scholars and all others interested in the field.

Anoop Mishra
—Editor

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ADDRESS AT THE 133RD ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU), GENEVA, SWITZERLAND

On 20 October 2015, Hon'ble Speaker, Lok Sabha, Smt. Sumitra Mahajan addressed the 133rd Assembly of the IPU in Geneva, Switzerland on the theme 'The Moral and Economic Imperative for Fairer, Smarter and more Humane Migration'.

We reproduce here the text of the Address.

—Editor

Hon'ble Chairperson and Distinguished Delegates:

Migration is not a new phenomenon. It has been there since time immemorial and many countries have experienced it in some form or other; only the degree and intensity varies. What has added new angle to human migration in recent times is the process of globalization which has broken the barriers of the nation state facilitating seamless movement of people, goods, service and ideas. A new noticeable trend is increase in number of women migrants.

Nobody would like to leave his or her country of birth and his home and hearth without insurmountable circumstances. People migrate in search of better opportunities and at times under very compelling circumstances due to economic, political or social reasons. The difference between voluntary and involuntary migration, or between refugees fleeing political conflict versus economic or labour migration, is complex.

The exodus of hundreds of thousand people from Syria and other countries as refugees is a man-made human tragedy. This has raised a number of issues, which need to be addressed with great degree of sensitivity. Far from being propelled by economic reasons, this crisis is mostly about refugees. We encourage the Governments concerned to work out comprehensive and mutually beneficial solutions derived from their international obligations and the best practices dealing with such large scale refugee movement in the post-World War-II period. They must also deeply reflect on the factors leading to this crisis.

I wish to keep our comments within the framework of the theme for the General Debate relating to fairer, smarter and more humane migration.

Migration poses challenges and moral dilemma for destination countries, as fear, anxiety and doubts arise about the interests of local population. However, it also presents an opportunity for economic growth, human development and cultural diversity. The host country benefits in terms of their labour, both skilled and unskilled, talent and expertise, energy and innovation brought in by younger migrants. The native country benefits in terms of remittances, savings, skills and international contacts provided by migrants. Migration also strengthens tourism and nostalgia for one's foods and products of the country of origin creates markets for those products in the immigration country fostering local production and international trade.

The top destination countries for immigration have generally witnessed social, cultural and political diversity and strengthening of liberty, freedom and democratic values. Migration also helps in bridging the socio-cultural divides and brings people together leading to better understanding, which is very essential for a peaceful world.

Now let me share India's experience with migration. Since time immemorial, India has witnessed migration as one of the important features of interaction with the outside world, and as means for exchange of ideas, trade and commerce among many other things. The central theme and understanding of migration for Indians is derived from the Indian philosophical concept of "वसुधैव कुटुम्बकम" which means that the entire world is one family. Historically Indian traders, seafarers and monks have migrated and settled in foreign lands as goodwill ambassadors spreading the message for unity, peace and brotherhood and never ever to conquer territories. Integral Humanism is deep rooted in the Indian psyche.

Over 28.5 million overseas Indians, including Non-Resident Indians and Persons-of-Indian Origin, are presently residing overseas. Almost similar number of migrants, including irregular migrants, have made India their home. This has made India an important country of origin and of destination for migrations.

One of the finest examples of fairer, smarter and more humane migration is proudly showcased in Indian history. The Parsis, (Zoroastrians) emigrated to India for reasons of religious freedom and they were allowed to settle in India, thanks to the Goodwill of a local ruler. They were also granted a plot of land to build a fire temple as their place of

worship, this was quite a remarkable gesture in the prevailing times. Over the centuries the Parsis have integrated and assimilated themselves into Indian society like sugar in the milk. They have contributed immensely to the history and development of India. Their achievements are not only respected by the whole nation but every Indian also take pride in their success as own success.

Sustainable development can only be achieved with the inclusion of all groups. This finds reflection in the 2030 Agenda for Sustainable Development by including migration and human mobility in four of the seventeen Sustainable Development Goals target. Our Prime Minister Shri Narendra Modi's Vision of **'सबका साथ सबका विकास'** which means 'together with all, development for all', underscores the importance of inclusive growth.

The Non-resident Indians and Persons of Indian Origin, by their creativity, entrepreneurship, diligence and law abiding nature have played an important role in global brand building and image of India as a 'Knowledge Economy'. They have become the most effective brand ambassadors to showcase India's proud heritage, culture and its progress and also have contributed immensely to their host countries.

As a responsible country, India constructively engages with the International Organisation for Migration, Global Forum for Migration and Development, Colombo Process and similar other regional and international platforms, which promote and protect the interests of migrants. India has been advocating the need to view migration form a developmental paradigm, from humane perspective, and as a win-win situation.

I believe that we, the Parliamentarians, need to support for greater international efforts to supplement national efforts in addressing the challenges associated with migration. Climate change may add new dimensions to the issue of migration. We acknowledge the fact that the solutions and approaches for dealing with migration may differ from country to country, based on local and national circumstances, but at all times it should conform to the basic norms of human dignity and human rights of migrants.

India calls for concerted effort to promote teamwork amongst nations to maximize the benefits of migration while reducing its negative effects. I conclude:—

'प्राणिनाम् उपकाराय यद् इव परार्थ च।
कर्मणा मनसा वचा तदैव मतिमान भजेत्॥'

Which means 'by his work, thoughts and words, an intelligent man (and this applies to nations also) must perform actions which will be beneficial for all living entities in this life and the next.'

Thank you.

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PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

Commonwealth Parliamentary Association/United Nations Environment Programme–Workshop on Climate Change: The CPA and the UNEP jointly organized a Climate Change Workshop in London, United Kingdom, from 26 to 28 October 2015. Shri Kirti Vardhan Singh, MP, attended the Workshop.

The following topics were discussed during the Workshop: (i) Key Issues in Climate Change; (ii) UNEP Climate Change Initiative; (iii) Global Climate Change Study Initiative; (iv) General Objectives of Paris 2015; (v) In-country experiences in relation to climate change policy on specific challenges; (vi) Legal Resources Institute; (vii) Role of Parliamentarians; (viii) Introduction to the proposed Elements of a Model Law; (ix) Climate and the Post-2015 Agenda–seeking coherence; (x) Role of other Stakeholders; and (xi) Comparisons in different legal systems and international law.

33rd CPA Australia and Pacific Regional Conference: The Northern Territory CPA Branch, Australia, hosted the 33rd CPA Australia and Pacific Regional Conference in Darwin, Australia, from 24 to 26 November 2015. The theme of the Conference was 'Vulnerability'. Under this broad theme, delegates deliberated on matters of political, cultural, agricultural and national security. Shri Narendra Keshav Sawaikar, MP, participated in the Conference where the following topics were discussed: (i) Vulnerability of Parliament; (ii) Vulnerability of People; (iii) Economic Vulnerability; and (iv) Reputational Vulnerability.

133rd Assembly of the Inter-Parliamentary Union : The 133rd Assembly of the IPU was held in Geneva, Switzerland, from 17 to 21 October 2015. An Indian Parliamentary Delegation, consisting of the following members attended the Assembly: Smt. Sumitra Mahajan, Hon'ble Speaker, Lok Sabha and Leader of the Delegation; Sarvashri Ishwarlal Shankarlal Jain, Rangasayee Ramakrishna, Nagendra Singh, Raj Kumar Singh, Dushyant Chautala, Dr. Hari Babu Kambhampati, Prof. M.V. Rajeev Gowda, Smt. Geetha Kothapalli, and Smt. V. Sathyabama, all Members of Parliament, Shri Anoop Mishra, Secretary-General, Lok

Sabha and Shri Shumsher K. Sheriff, Secretary-General, Rajya Sabha also attended the Assembly. Shri Cyril John, Joint Secretary, Lok Sabha Secretariat was Secretary to the Delegation.

All members of the Delegation attended the meeting of the Asia-Pacific Geo Political Group (APG) of the IPU.

Hon'ble Speaker, Lok Sabha, Smt. Sumitra Mahajan, Shri Rangasayee Ramakrishna, MP and Shri R.K. Singh, MP, participated in the meetings of the Governing Council. The Lok Sabha Speaker also participated in the General Debate on the overall theme of *The moral and economic imperative for fairer, smarter and more humble migration*. The Assembly adopted a Declaration on the same.

Shri Anoop Mishra, Secretary-General, Lok Sabha and Shri Shumsher K. Sheriff, Secretary-General, Rajya Sabha, attended the Meetings of the Association of Secretaries-General of Parliaments (ASGP).

Meetings of (i) the 34th Session of the Steering Committee of Parliamentary Conference on the WTO; (ii) Parliamentary Session within the framework of WTO Public Forum 2015; and (iii) WTO Public Forum 2015 held in Geneva, Switzerland from 30 September to 2 October 2015: Shri Anurag Singh Thakur, MP, Lok Sabha, Hon'ble Chairperson, Standing Committee of Information Technology and Member of the Steering Committee of Parliamentary Conference on the WTO, participated in the above meetings, where the following themes were focused: (i) WTO Public Forum: *'Trade Works'*; (ii) Parliamentary Panel within the framework of WTO Public Forum 2015, (a) *Reducing Trade Costs: Why speedy legislative action on the Trade Facilitation Agreement is of paramount importance*, and (b) *The WTO Trade Facilitation Agreement (TFA)*; (iii) 34th Session of the Steering Committee of Parliamentary Conference on the WTO: (a) Update on recent developments at the WTO; and (b) Impressions of the WTO Public Forum, 2015.

BIRTH ANNIVERSARIES OF NATIONAL LEADERS

On the birth anniversaries of national leaders whose portraits adorn the Central Hall of Parliament House, and also on the birth anniversaries of former Speakers of Lok Sabha, functions are organized under the auspices of the Indian Parliamentary Group (IPG) to pay tributes to the leaders. Booklets containing the profiles of these leaders, prepared by the Library and Reference, Research, Documentation and Information Service (LARRDIS) of the Lok Sabha Secretariat, are distributed on the occasion.

The birth anniversaries of the following leaders were celebrated during the period 1 October to 31 December 2015:

Shri Bali Ram Bhagat: On the occasion of the birth anniversary of the former Speaker of Lok Sabha, Shri Bali Ram Bhagat, a function was held on 7 October 2015 in the Central Hall of Parliament House. Lok Sabha Speaker Smt. Sumitra Mahajan; Lok Sabha Deputy Speaker, Dr. M. Thambi Durai and former Deputy Prime Minister and Chairperson, Ethics Committee, Lok Sabha, Shri L.K. Advani led parliamentarians in paying tributes at the portrait of Shri Bali Ram Bhagat. Among others who paid tributes were sitting and former Members of Parliament and the Secretaries-General of Lok Sabha and Rajya Sabha, Shri Anoop Mishra and Shri Shumsher K. Sheriff, respectively.

Sardar Vallabhbhai Patel: On the occasion of the birth anniversary of Sardar Vallabhbhai Patel, a function was held on 31 October 2015 in the Central Hall of Parliament House. Prime Minister Shri Narendra Modi; Lok Sabha Speaker Smt. Sumitra Mahajan; Union Minister of Home Affairs, Shri Rajnath Singh; Union Minister of Urban Development, Housing and Urban Poverty Alleviation, and Parliamentary Affairs, Shri M. Venkaiah Naidu; Deputy Chairman of Rajya Sabha Prof. P.J. Kurien; Lok Sabha Deputy Speaker Dr. M. Thambidurai; and former Deputy Prime Minister Shri Lal Krishna Advani led parliamentarians in paying tributes at the portrait of Sardar Vallabhbhai Patel. Other dignitaries who paid tributes included sitting and former Members of Parliament, and the Secretaries-General of Lok Sabha and Rajya Sabha, Shri Anoop Mishra and Shri Shumsher K. Sheriff, respectively.

Deshbandhu Chittaranjan Das: On the occasion of the birth anniversary of Deshbandhu Chittaranjan Das, a function was held on 5 November 2015 in the Central Hall of Parliament House. Lok Sabha Speaker Smt. Sumitra Mahajan; Leader of Opposition, Rajya Sabha, Shri Ghulam Nabi Azad; and former Deputy Prime Minister and Chairperson, Ethics Committee, Lok Sabha Shri L.K. Advani led the parliamentarians in paying tributes at the portrait of Deshbandhu Chittaranjan Das. Other dignitaries who paid tributes included sitting and former Members of Parliament and the Secretaries-General of Lok Sabha and Rajya Sabha, Shri Anoop Mishra and Shri Shumsher K. Sheriff, respectively.

Smt. Indira Gandhi: On the occasion of the birth anniversary of the former Prime Minister, Smt. Indira Gandhi, a function was held on 19 November 2015 in the Central Hall of Parliament House. Lok Sabha Speaker Smt. Sumitra Mahajan; former Prime Minister, Dr. Manmohan Singh; Leader of Opposition, Rajya Sabha, Shri Ghulam Nabi Azad; Lok

Sabha Deputy Speaker, Dr. M. Thambi Durai; and Chairperson of the UPA, Smt. Sonia Gandhi led parliamentarians in paying tributes at the portrait of Smt. Indira Gandhi. Among other dignitaries who paid tributes to Smt. Indira Gandhi included sitting and former Members of Parliament, and the Secretaries-General of Lok Sabha and Rajya Sabha, Shri Anoop Mishra and Shri Shumsher K. Sheriff, respectively.

Shri G.V. Mavalankar: On the occasion of the birth anniversary of the former Lok Sabha Speaker, Shri G.V. Mavalankar, a function was held on 27 November 2015 in the Central Hall of Parliament House. Lok Sabha Speaker Smt. Sumitra Mahajan; Union Minister of Finance, Corporate Affairs and Information and Broadcasting, Shri Arun Jaitley; Union Minister of Urban Development, Housing and Urban Poverty Alleviation and Minister of Parliamentary Affairs, Shri M. Venkaiah Naidu; Rajya Sabha Deputy Chairman, Prof. P.J. Kurien; Lok Sabha Deputy Speaker, Dr. M. Thambi Durai and former Deputy Prime Minister and Chairperson, Ethics Committee, Lok Sabha, Shri L.K. Advani led parliamentarians in paying tributes to Shri G.V. Mavalankar. Other dignitaries who paid tributes included sitting and former Members of Parliament and the Secretaries-General of Lok Sabha and Rajya Sabha, Shri Anoop Mishra and Shri Shumsher K. Sheriff, respectively.

Dr. Rajendra Prasad: On the occasion of the birth anniversary of the former President of India, Dr. Rajendra Prasad, a function was held on 3 December 2015 in the Central Hall of Parliament House. Prime Minister Shri Narendra Modi; Lok Sabha Speaker Smt. Sumitra Mahajan; Union Minister of Home Affairs Shri Raj Nath Singh; Union Minister of Urban Development, Housing and Urban Poverty Alleviation, and Parliamentary Affairs, Shri M. Venkaiah Naidu; Union Minister of State of the Ministry of Skill Development and Entrepreneurship and in the Ministry of Parliamentary Affairs, Shri Rajiv Pratap Rudy; Union Minister of State of the Ministry of DONER, in the Prime Minister's Office, in the Ministry of Personnel, Public Grievances and Pensions, in the Department of Atomic Energy and Minister of State in the Department of Space, Dr. Jitendra Singh; Rajya Sabha Deputy Chairman Prof. P.J. Kurien; Lok Sabha Deputy Speaker, Dr. M. Thambi Durai; and former Deputy Prime Minister and Chairperson, Ethics Committee, Lok Sabha, Shri L.K. Advani led parliamentarians in paying tributes at the portrait of Dr. Rajendra Prasad. Other dignitaries who paid tributes included sitting and former Members of Parliament and the Secretaries-General of Lok Sabha and Rajya Sabha, Shri Anoop Mishra and Shri Shumsher K. Sheriff, respectively.

Shri C. Rajagopalachari: On the occasion of the birth anniversary of Shri C. Rajagopalachari, a function was held on 10 December 2015 in the Central Hall of Parliament House. Lok Sabha Speaker Smt. Sumitra Mahajan; Union Minister of Home Affairs Shri Rajnath Singh; Union Minister of Urban Development, Housing and Urban Poverty Alleviation and Parliamentary Affairs, Shri M. Venkaiah Naidu; Leader of the Opposition, Rajya Sabha, Shri Ghulam Nabi Azad; Union Minister of State of the Ministry of Skill Development and Entrepreneurship and in the Ministry of Parliamentary Affairs, Shri Rajiv Pratap Rudy; Union Minister of State of the Ministry of Minorities Affairs and in the Ministry of Parliamentary Affairs, Shri Mukhtar Abbas Naqvi; Union Minister of State of the Ministry of Information and Broadcasting, Col. Rajyavardhan Singh Rathore; Deputy Chairman of Rajya Sabha, Prof. P.J. Kurien; Deputy Speaker of Lok Sabha, Dr. M. Thambidurai; and former Deputy Prime Minister and Chairperson, Ethics Committee, Lok Sabha, Shri L.K. Advani led parliamentarians in paying tributes at the portrait of Shri C. Rajagopalachari. Other dignitaries who paid tributes were sitting former and sitting Members of Parliament and the Secretaries-General of Lok Sabha and Rajya Sabha, Shri Anoop Mishra and Shri Shumsher K. Sheriff, respectively.

Chaudhary Charan Singh: On the occasion of the birth anniversary of the former Prime Minister of India, Chaudhary Charan Singh, a function was held on 23 December 2015 in the Central Hall of Parliament House. Prime Minister Shri Narendra Modi; Lok Sabha Speaker, Smt. Sumitra Mahajan; Union Minister of Home Affairs Shri Raj Nath Singh; Union Minister of Urban Development, Housing and Urban Poverty Alleviation, and Parliamentary Affairs, Shri M. Venkaiah Naidu; Union Minister of Rural Development, Panchayati Raj, Drinking Water and Sanitation, Chaudhary Birender Singh; Rajya Sabha Deputy Chairman, Prof. P.J. Kurien; Lok Sabha Deputy Speaker, Dr. M. Thambidurai; and former Deputy Prime Minister and Chairperson, Ethics Committee, Lok Sabha, Shri L.K. Advani led parliamentarians in paying tributes at the portrait of Chaudhary Charan Singh. Other dignitaries who paid tributes were sitting former and sitting Members of Parliament, and the Secretaries-General of Lok Sabha and Rajya Sabha, Shri Anoop Mishra and Shri Shumsher K. Sheriff, respectively.

Pandit Madan Mohan Malaviya: On the occasion of the birth anniversary of Pandit Madan Mohan Malaviya, a function was held on 25 December 2015 in the Central Hall of Parliament House. Lok Sabha Speaker Smt. Sumitra Mahajan; Union Minister of State (Independent Charge) for Environment, Forest and Climate Change Shri Prakash

Javadekar; and former Deputy Prime Minister and Chairman, Ethics Committee, Lok Sabha, Shri L.K. Advani, MP, led parliamentarians in paying tributes at the portrait of Pandit Madan Mohan Malaviya. Other dignitaries who paid tributes were sitting and former Members of Parliament, the Secretary-General of Rajya Sabha, Shri Shumsher K. Sheriff, and Secretary, Lok Sabha, Dr. D. Bhalla.

Shri G.M.C. Balayogi: On the occasion of the birth anniversary of former Lok Sabha Speaker, Shri G.M.C. Balayogi, a function was held on 1 October 2015 in the Central Hall of Parliament House. Union Minister of Urban Development, Housing and Urban Poverty Alleviation and Parliamentary Affairs, Shri M. Venkaiah Naidu; Union Minister of Civil Aviation, Shri Ashok Gajapathi Raju Pusapati; Union Minister of State (Independent Charge) for Labour and Employment, Shri Bandaru Dattatreya; former Deputy Prime Minister and Chairperson, Ethics Committee, Lok Sabha, Shri L.K. Advani led parliamentarians in paying tributes to Shri Balayogi. Other dignitaries who paid tributes included sitting and former Members of Parliament and the Secretaries-General of Lok Sabha and Rajya Sabha, Shri Anoop Mishra and Shri Shumsher K. Sheriff, respectively.

Mahatma Gandhi and Shri Lal Bahadur Shastri: On the occasion of the birth anniversaries of Mahatma Gandhi and Shri Lal Bahadur Shastri, a function was held on 2 October 2015 in the Central Hall of Parliament House. Union Minister of Finance, Corporate Affairs and Information & Broadcasting, Shri Arun Jaitley; Leader of Opposition in Rajya Sabha, Shri Ghulam Nabi Azad; Deputy Chairman of Rajya Sabha Prof. P.J. Kurien; former Deputy Prime Minister and Chairperson, Ethics Committee (Lok Sabha) Shri L.K. Advani and UPA Chairperson Smt. Sonia Gandhi led parliamentarians in paying tributes at the portraits of Mahatma Gandhi and Shri Lal Bahadur Shastri. Among others who paid tributes to Mahatma Gandhi and Shri Lal Bahadur Shastri were sitting and former Members of Parliament, the Secretaries-General of Lok Sabha and Rajya Sabha, Shri Anoop Mishra and Shri Shumsher K. Sheriff, respectively, and the family members of Shri Lal Bahadur Shastri.

Maulana Abul Kalam Azad: On the occasion of the birth anniversary of Maulana Abul Kalam Azad, a function was held on 11 November 2015 in the Central Hall of Parliament House. Union Minister for Home Affairs Shri Rajnath Singh; Union Minister for Urban Development, Housing, Poverty Alleviation and Parliamentary Affairs, Shri M. Venkaiah Naidu; and former Deputy Prime Minister and Chairperson, Ethics Committee, Lok Sabha, Shri L.K. Advani led Parliamentarians in paying

tributes at the portrait of Maulana Azad. Among other dignitaries who paid tributes were sitting and former Members of Parliament and the Secretaries-General of Lok Sabha and Rajya Sabha, Shri Anoop Mishra and Shri Shumsher K. Sheriff, respectively.

Pandit Jawaharlal Nehru: On the occasion of the birth anniversary of the former Prime Minister, Pandit Jawaharlal Nehru, a function was held on 14 November 2015 in the Central Hall of Parliament House. Union Minister of Home Affairs, Shri Rajnath Singh; former Prime Minister, Dr. Manmohan Singh; Leader of Opposition, Rajya Sabha, Shri Ghulam Nabi Azad; Deputy Chairman, Rajya Sabha Prof. P.J. Kurien; former Deputy Prime Minister and Chairperson, Ethics Committee, Lok Sabha, Shri L.K. Advani; and UPA Chairperson, Smt. Sonia Gandhi, led parliamentarians in paying tributes at the portrait of Pandit Jawaharlal Nehru. Other dignitaries who paid tributes included sitting and former Members of Parliament and the Secretaries-General of Lok Sabha and Rajya Sabha, Shri Anoop Mishra and Shri Shumsher K. Sheriff, respectively.

EXCHANGE OF PARLIAMENTARY DELEGATIONS

Foreign Parliamentary Delegations visiting India

The Republic of Slovenia: A 7-member Parliamentary Delegation from Slovenia, led by H.E. Dr. Milan Brglez, President of the National Assembly of the Republic of Slovenia, visited India from 24 to 27 November 2015.

On 26 November 2015, the Delegation called on Shri Pranab Mukherjee, Hon'ble President of India. The delegation also called on Smt. Sumitra Mahajan, Hon'ble Speaker, Lok Sabha, on the same day.

On 27 November 2015, the Delegation witnessed the proceedings of Lok Sabha and Rajya Sabha in Session from the 'Special Box'. On the same day, they called on Shri Mohammad Hamid Ansari, Hon'ble Vice-President of India and Chairman, Rajya Sabha, and also had a meeting with the Members of the Parliamentary Standing Committee on External Affairs. The Delegation also visited Agra, Ahmedabad and Gandhinagar.

Call-on Meetings with the Hon'ble Speaker, Lok Sabha

Israel: The Ambassador of Israel to India, H.E. Mr. Daniel Carmon, called on Hon'ble Speaker, Lok Sabha, Smt. Sumitra Mahajan, on 10 December 2015.

Kingdom of Belgium: The Ambassador of the Kingdom of Belgium

to India H.E. Mr. Jan Luykx**,** called on Hon'ble Speaker, Lok Sabha, Smt. Sumitra Mahajan, on 14 December 2015.

PARLIAMENT MUSEUM

During the period 1 October to 31 December 2015, a total of 18,416 visitors visited the Parliament Museum. Apart from the general visitors, students from 123 schools and colleges from all over the country visited the Museum. A number of sitting and former members of Parliament, members of State Legislatures and foreign dignitaries/delegations also visited the Museum. Delegations from Afghanistan, Kenya, Ghana, Slovenia, and Ukraine visited the Museum. As many as 2,90,152 visitors have visited the Museum between 5 September 2006 (*i.e.* the date of opening of the Museum for general public) and 31 December 2015.

Exhibition on making of the Constitution by the Constituent Assembly: To coincide with the 125th birth anniversary of Dr. B.R. Ambedkar and the discussions in Parliament on 26 and 27 November 2015 on India's commitment to the Constitution as part of the Constitution Day celebrations, an Exhibition titled *Making of the Constitution by the Constituent Assembly* was organised by the Parliamentary Museum & Archives of the Lok Sabha Secretariat on 26 and 27 November 2015 in Parliament Library Building

The Exhibition, which focused on the drafting of the Indian Constitution by the Constituent Assembly during the period 1946 to 1950, was inaugurated by the Hon'ble Prime Minister, Shri Narendra Modi on 26 November. It also briefly traced India's democratic heritage through ancient and medieval times, leading up to the Freedom Struggle and the setting up of the Constituent Assembly. The Exhibition provided valuable information about the genesis of the Constituent Assembly, its composition and functioning, sessions held and its Committees with the help of informative write-ups, photographs, Press clippings, statistical charts and audio-visual presentations. Rare photographs and media reports about the adoption and signing of the Constitution of India, culminating in the birth of the Indian Republic formed a special segment of the Exhibition. Quotations on the Constitution of some distinguished personalities of the time were also depicted. A two-dimensional cut-out backlit diorama depicting the meeting of the Drafting Committee of the Constituent Assembly was an added attraction for the visiting dignitaries.

Audio of speeches of eminent leaders such as Dr. Rajendra Prasad, Pt. Jawaharlal Nehru, Sardar Vallabhbhai Patel, Dr. B.R. Ambedkar, Dr. S. Radhakrishnan and Smt. Sarojini Naidu in the Constituent

Assembly were played at the venue. Films on making of the Constitution, Features of the Indian Constitution and Working of the Constituent Assembly formed part of the Exhibition. The Constituent Assembly debates were also displayed on a scroll for information of the visiting MPs and dignitaries. Hon'ble Speaker's message on the Constitution Day was also played during the Exhibition.

Books relating to the Constitution and media reports of the period are put up in Parliament Library as part of the Exhibition. The special attraction was the original Calligraphed copies of the Constitution which are preserved in the Parliament Library.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period from 1 October to 31 December 2015, the Bureau of Parliamentary Studies and Training (BPST) organized the following Courses/Programmes for Members/Delegates/ Probationers/Journalists/ Students:

31st Parliamentary Internship Programme for Foreign Parliamentary Officials

The 31st Parliamentary Internship Programme for Foreign Parliamentary Officials was organized from 5 November to 4 December 2015 which was attended by 46 Officials from 25 countries.

Appreciation Courses

Three Appreciation Courses in Parliamentary Processes and Procedures were organized for:

(i) One Hundred Twenty Five Officer of Trainees Indian Police Service of 67 RR (2014 Batch) from 9 to 11 November 2015;

(ii) Forty-nine Officer Trainees of Indian Ordnance Factories Service (IOFS) 2015 – I & II Batch from 14 to 18 December 2015;

(iii) Forty-nine Senior Accounts/Audit Officers and Audit/Accounts Officers of the Office of the Comptroller and Auditor General of India from 14 to 18 December 2015.

Professional Development Programmes for/by Officers of the Lok Sabha Secretariat

(i) Twelve Officers of Lok Sabha Secretariat participated in the "Parliamentary Administration: Benchmarking against the UK

Parliament", at RIPA International, London, UK, from 2 to 11 November 2015;

(ii) Two Officers of Lok Sabha Secretariat participated at the 10th Biennial Conference of the Association of Parliamentary Librarians of Asia and the Pacific (APLAP) held at the Australian Parliament, Canberra, from 30 November to 3 December 2015.

Training Course for Officials of Lok Sabha, Rajya Sabha & State Legislature Secretariats

(i) Thirty-eight Security Officials of Lok Sabha, Rajya Sabha and State Legislature Secretariats attended the Training Programme from 5 to 9 October 2015.

(ii) Forty-two Middle Level Officers of Lok Sabha and State Legislature Secretariats attended Training Course on Management Development Programme from 26 to 30 October 2015.

(iii) Eighteen Hindi Assistants, Translators, Editors of Lok Sabha, Rajya Sabha and State Legislature Secretariats attended the Training Course from 2 to 6 November 2015.

Familiarization Programme for Media Persons

(i) Thirty-five Media Persons accredited to the Jharkhand and Chhattisgarh Legislative Assemblies attended Familiarization Programme in Parliamentary Practices and Procedures from 30 November to 2 December 2015.

(ii) Thirty-eight Media Persons accredited to the Legislative Assemblies of North-East states of India (Assam, Manipur, Meghalaya & Tripura) attended the Familiarization Programme in Parliamentary Practices and Procedures from 16 to 18 December 2015.

Study Visits (International)

Parliamentary Delegations

(i) Thirteen-Member Delegation from the People's Consultative Assembly of the Republic of Indonesia, on 5 October 2015;

(ii) Ten-Member Delegation from the National Assembly of Afghanistan, on 6 and 7 October 2015;

(iii) Seven Sergeants-at-Arms from the National Assembly of Kenya, from 26 to 28 October 2015;

(iv) Eight-Member Delegation of the Public Accounts Committee of Parliament of Ghana on 19 and 20 November 2015;

(v) Twelve-Member Delegation of the Chinese Parliament on 30 November 2015.

Other Study Visits

(i) Nineteen Somali Diplomats attending Special Course at the Foreign Service Institute (FSI), Ministry of External Affairs, New Delhi, on 6 October 2015.

(ii) Thirty-one Member Delegation from the National Defence College of U.A.E., on 17 November 2015.

(iii) Eight-Member Delegation of Young Political Leaders from the United States of America, sponsored by FICCI, on 8 December 2015.

(iv) Eighteen participants attending the 9th Special Course for ASEAN Diplomats organized by the Foreign Service Institute, New Delhi, on 17 December 2015.

In all, nine Study Visits (International) were organised in which there were 126 participants.

Study Visits (National)

(i) Fifty-five Students of Law College, Durgapur, West Bengal, on 1 October 2015;

(ii) Fifty-three Students of K.L. International School, Meerut, Uttar Pradesh, on 7 October 2015;

(iii) Forty-seven Students/Teachers of Dyal Singh Evening College, University of Delhi, New Delhi, on 7 October 2015;

(iv) Fifty-one Students of K.L. International School, Meerut, Uttar Pradesh, on 8 October 2015;

(v) Thirty-eight Students of MIT-International School of Broadcasting and Journalism (MIT-ISBJ), Pune, on 8 October 2015;

(vi) Fifty-eight Students of K.L. International School, Meerut, Uttar Pradesh, on 9 October 2015;

(vii) Twenty-six Students from Ladakh undertaking National Integration Tour under Operation Sadhbhavna organized by Headquarters Northern Command, Jammu & Kashmir, on 12 October 2015;

(viii) Thirty-three Students/mentors of 'Make a Difference', a Non-Profit Organization, Delhi, on 13 October 2015;

(ix) Fifty-three Students of MBA Department of Sree Saraswathi Thyagaraja College, Pollachi, Tamil Nadu, on 15 October 2015;

(x) Twenty-one Students from Lycee Helene Boucher, Paris, France, under the Students' Exchange Programme with Delhi Public School International, Saket, New Delhi, on 16 October 2015;

(xi) One Hundred and ten Students of Sanatan Dharam Public School, East Punjabi Bagh, Delhi, on 16 October 2015;

(xii) Twelve Members of Odisha Legislative Assembly, on 16 October 2015;

(xiii) Twenty-seven students of St. John's Regional Seminary, Ramanthapur, Hyderabad, on 19 October 2015;

(xiv) Forty-one students of ZPHS School, Sirikonda, Telangana, on 20 October 2015;

(xv) Twenty-eight students of far flung villages of Ramban District, Jammu and Kashmir, who are on Educational Tour under Operation Sadhbhavna organized by 23 Rashtriya Rifles(Rajput), on 27 October 2015;

(xvi) Eighty-two students of Convent of Jesus and Mary School, New Delhi, on 29 October 2015;

(xvii) Eighty-two students of Convent of Jesus and Mary School, New Delhi, on 30 October 2015;

(xviii) Thirty-one Senior Doctors from different States of India, on 6 November 2015;

(xix) Sixty-six students of Alva's College of Nursing, Moodbidri, Karnataka, on 12 November 2015;

(xx) Thirty-six students from Department of Communication Management and Technology, Guru Jambheshwar University of Science and Technology, Hisar, on 16 November 2015;

(xxi) Sixty-nine Assistants (Direct Recruits) of 248th Batch of the Central Secretariat Service undergoing Foundation Training Programme at ISTM, New Delhi, on 17 November 2015;

(xxii) Thirty-eight students from Girls Senior Secondary School, Hisar, on 17 November 2015;

(xxiii) Seventy Assistants (Direct Recruits) of 247th Batch of the Central Secretariat Service undergoing Foundation Training Programme at ISTM, New Delhi, on 18 November 2015;

(xxiv) Fifty-one Assistants (Direct Recruits) of 249th Batch of the Central Secretariat Service undergoing Foundation Training Programme at ISTM, New Delhi, on 19 November 2015;

(xxv) Eight-Member Delegation of Children from the National

Foundation for Communal Harmony, on 24 November 2015;

(xxvi) Forty-six students of Llyod Law College, Greater Noida, on 26 November 2015;

(xxvii) Forty-nine Students from Guntur Subbiah Pillai Theagaraya Nagar Girls' Higher Secondary School, Chennai, on 26 November 2015;

(xxviii) Thirty-two participants attending Capacity Building Programme on 'Learning South-South Cooperation' at Research and Information System for Developing Countries, New Delhi, on 26 November 2015;

(xxix) Twenty-four students of Subodh Public School, Bhawani Singh Marg, Jaipur, on 2 December 2015;

(xxx) Forty-three students of Delhi Public School, Dwarka, New Delhi, on 3 December 2015;

(xxxi) Thirty-five girl students of various Government schools of Srinagar, Jammu & Kashmir undertaking National Integration Tour under Operation Sadhbhavna organized by 7 Rashtriya Rifles, 15 Corps of Northern Command, on 8 December 2015;

(xxxii) Thirty-nine students of MGD Girls' School, Jaipur, on 9 December 2015;

(xxxiii) Nineteen students from Arunachal Pradesh participating in Kala Utsav 2015, organized by the Ministry of HRD, on 9 December 2015;

(xxxiv) Seventy participants from Haryana State Rural Livelihoods Mission, Fatehabad, Haryana, on 10 December 2015;

(xxxv) Fifty-four Assistants (Direct Recruits) of 252nd Batch of the Central Secretariat Service undergoing Foundation Training Programme at ISTM, New Delhi, on 10 December 2015;

(xxxvi) One hundred and two students of N.B. Thakur Law College, Nashik, on 11 December 2015;

(xxxvii) Twenty-six students of Assam Don Bosco University, Guwahati, Assam, on 11 December 2015;

(xxxviii) Seventy students of B.S. Anangpuria Institute of Education, Faridabad, Haryana, on 11 December 2015;

(xxxix) Fifty-five students of Tapovan Vatsalyadham School, Gandhinagar, Gujarat, on 14 December 2015;

(xl) Twenty-four Direct Recruit Assistants undergoing Foundation

Training Course at Defence Headquarters Training Institute, New Delhi, on 15 December 2015;

(xli) Twenty-eight B.Ed. Students of the Department of Education, University of Delhi, on 15 December 2015;

(xlii) Forty-one students of D.A.V. Public School, Pitampura, Delhi, on 15 December 2015;

(xliii) Thirty-nine students of College of Nursing, Navi Mumbai Bharati Vidyapeeth Deemed University, Pune, on 16 December 2015;

(xliv) Eighty-three students of Royal Academy School, Muzaffarnagar, U.P., on 18 December 2015;

(xlv) Twenty-two students of Sagar Public School, Bhopal, on 18 December 2015;

(xlvi) Thirty-two students of Tadong Senior Secondary School, Tadong, Gangtok, on 18 December 2015;

(xlvii) Thirty-three students of MIT-International School of Broadcasting and Journalism (MIT-ISBJ), Pune, on 21 December 2015;

(xlviii) Ninety-six students of Bhagwanti Saraswati Vidya Mandir Inter College, Muzaffarnagar, U.P., on 21 December 2015;

(xlix) Ninety-two students of the Avenue Public School, Ganga Nagar, Meerut, on 21 December 2015;

(l) Seventy-two students of Jagat Vidya Sanatan Dharam Girls Senior Secondary School, Karol Bagh, New Delhi, on 30 December 2015;

In all, 50 Study Visits (National) were organised in which there were 2412 participants.

3

PROCEDURAL MATTERS

LOK SABHA

I

Observation from the Chair regarding Rule 353: On 30 November 2015, Smt. Sumitra Mahajan, the Speaker, Lok Sabha, made the following observation:—

> "Honourable Members, during the discussion under rule 193 on the situation arising out of incidents of intolerance in the country, Shri Mohammad Salim made certain allegations against the Honourable Home Minister.
>
> I have heard the submissions made by Shri Bhartruhari Mahtab and other members also in this regard. Under the provisions of Rule 353 of the Rules of Procedure and Conduct of Business in Lok Sabha, no allegation by a member may be made unless an adequate notice has been given. After due consideration, I find that the statements by Shri Mohammad Salim have been made without giving advance notice.
>
> Therefore, the remarks of Shri Mohammad Salim shall not form part of the proceedings."

II

Observation from the Chair regarding Zero Hour: On 4 December 2015, Smt. Sumitra Mahajan, the Speaker, Lok Sabha, made the following observation:—1

> "Honourable Members, it has been observed that during Zero Hour many members give notices of matters which fall within the jurisdiction of the State Legislatures. In the scheme of things provided under the Constitution, no matter which is under exclusive jurisdiction of a State Legislature can be raised in Parliament.
>
> Therefore, I request you, not to raise matters which are under jurisdiction of State Legislatures in the House."

III

Observation from the Chair regarding confinement of discussion: On 11 December 2015, Smt. Sumitra Mahajan, the Speaker, Lok Sabha, made the following observation:—

> "Honourable Members, as you are aware, the Negotiable Instruments (Amendment) Bill, 2015 was passed by the Lok Sabha on 6 August 2015 and laid on the Table of the Rajya Sabha on 7 August 2015. The Bill, however, could not be passed by the Rajya Sabha during the last Session. Subsequently, an Ordinance, namely, the Negotiable Instruments (Amendment) Second Ordinance, 2015 was promulgated by the President on 22 September 2015. The Rajya Sabha on 7 December 2015 has returned the Bill, as passed by the Lok Sabha, with some amendments.
>
> Since the House has already approved the provisions of the Negotiable Instruments (Amendment) Bill, 2015 on 6 August 2015, it will not be permissible now to go into the merits of the Bill again and the discussion should be confined to the amendments made by the Rajya Sabha. The discussion on the Statutory Resolution should also be confined strictly to the issue of promulgation of the Ordinance."

Instances when the Chair allowed Members to lay their written speeches on the Table of the House: On 27 November 2015, during discussion on commitment to India's Constitution as part of the 125th birth anniversary celebrations of Dr. B.R. Ambedkar, the Chair permitted members to lay their written speeches on the Table of the House. Accordingly, 109 members laid their speeches on the Table.

On 1 December 2015, during discussion under Rule 193 on the situation arising out of incidents of intolerance in country, the Chair permitted members to lay their written speeches on the Table of the House. Accordingly, 45 members laid their speeches on the Table.

On 2 December 2015, during discussion under Rule 193 regarding the flood situation in Tamil Nadu, Andhra Pradesh and several parts of the country, the Chair permitted members to lay their written speeches on the Table of the House. Accordingly, 18 members laid their speeches on the Table.

On 3 December 2015, during discussion under Rule 193 regarding the flood situation in Tamil Nadu, Andhra Pradesh and several parts of the country, the Chair permitted members to lay their written speeches on the Table of the House. Accordingly, six members laid their speeches on the Table.

On 9 December 2015, during discussion under Rule 193 regarding the drought situation in various parts of the country, the Chair permitted members to lay their written speeches on the Table of the House. Accordingly, 20 members laid their speeches on the Table.

On 10 December 2015, during discussion under Rule 193 regarding the drought situation in various parts of the country, the Chair permitted members to lay their written speeches on the Table of the House. Accordingly, 21 members laid their speeches on the Table.

On 11 December 2015, during discussion under Rule 193 regarding the drought situation in various parts of the country, the Chair permitted members to lay their written speeches on the Table of the House. Accordingly, 17 members laid their speeches on the Table.

On 15 December 2015, during the discussion on the Demands for Grants (General)–2015-16, the Demands for Excess Grants (General)–2012-13, the Supplementary Demands for Grants in respect of Budget (General)–2015-16 and the Demand for Excess Grants in respect of Budget (General)–2012-13, the Chair permitted members to lay their written speeches on the Table of the House. Accordingly, 16 members laid their speeches on the Table.

4

PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 OCTOBER TO 31 DECEMBER 2015)

Events covered in this Feature are based primarily on reports appearing in the daily newspapers and internet sources; as such, the Lok Sabha Secretariat does not accept any responsibility for their accuracy, authenticity or veracity.

—Editor

INDIA

DEVELOPMENTS AT THE UNION

Parliament Session: The Sixth Session of the Sixteenth Lok Sabha and the Two Hundred and Thirty Seventh Session of the Rajya Sabha commenced on 26 November 2015. Both the Houses were adjourned *sine die* on 23 December 2015. The President, Shri Pranab Mukherjee, prorogued the Lok Sabha and the Rajya Sabha on 6 January 2016.

Rajya Sabha Elections: Shri N. Gokulakrishnan of the All India Anna Dravida Munnetra Kazhagam (AIADMK) was elected to the Rajya Sabha from the Union territory of Puducherry, election to which was held on 21 September 2015. The term of Shri Gokulakrishnan commenced on 7 October 2015 and he took oath / affirmation on 27 November 2015.

Shri Narendra Kumar Swain of the Biju Janata Dal (BJD) was elected to the Rajya Sabha from Odisha, elections to which were held on 7 December 2015. The term of Shri Swain commenced on the same day and he took oath/affirmation on 14 December 2015.

Death of Rajya Sabha Member: On 26 November 2015, Shri Khekiho Zhimomi, the Naga People's Front (NPF) member from Nagaland, passed away.

Lok Sabha Bye-election Results: On 24 November 2015, Shri Kantilal Bhuria of the Indian National Congress (INC) and Shri Pasunoori Dayakar of the Telangana Rashtra Samithi (TRS) were

declared elected from Ratlam (Madhya Pradesh) and Warangal (Telangana) Lok Sabha constituencies, respectively, in the bye-elections held on 21 November 2015.

Suspension of BJP MP from Party: On 23 December 2015, the Bharatiya Janata Party (BJP) suspended Shri Kirti Azad, party's Lok Sabha member from Darbhanga (Bihar), for anti-party activities.

AROUND THE STATES

ARUNACHAL PRADESH

Political Developments: On 16 December 2015, 21 INC MLAs with 11 MLAs of the BJP and two Independents passed a resolution to 'impeach' the Speaker, Arunachal Pradesh Legislative Assembly, Shri Nabam Rebia, at a makeshift private venue after being denied entry into the State Assembly complex. Twenty-seven MLAs, including the Chief Minister, Shri Nabam Tuki and his Ministerial colleagues, boycotted the proceedings.

On 17 December 2015, the rebel INC MLAs and the Opposition BJP assembled together at a private local hotel to "vote out" Chief Minister, Shri Nabam Tuki, and to "elect" a rebel Congress MLA in his place. However, the Gauhati High Court intervened to keep in "abeyance" decisions taken at the rebel "Session".

BIHAR

Resignation of Minister: On 11 October 2015, the Minister for Registration, Excise and Prohibition and Urban Development, Shri Awadhesh Kumar Kushwaha resigned from the Council of Ministers.

Assembly Election Results: Elections to the 243-seat State Legislative Assembly were held in five phases on 12, 16 and 28 October and 1 and 5 November 2015. The results were announced on 7 November 2015. The party position following the election was as follows: Total seats 243; Rashtriya Janata Dal (RJD): 80; Janata Dal (United) [JD(U)]: 71; INC: 27; BJP: 53; Lok Jan Shakti Party: 2; Rashtriya Lok Samata Party: 2; Communist Party of India (Marxist-Leninist) (Liberation): 3; Hindustani Awam Morcha (Secular): 1; and Independents: 4.

Nitish Kumar Sworn in as Chief Minister: On 20 November 2015, incumbent Chief Minister, Shri Nitish Kumar, was sworn in as the Chief Minister for the fifth time. Along with him, 28 Ministers were also sworn in.

The members of the Council of Ministers with their portfolios are as follows*: Shri Nitish Kumar, Chief Minister: *General Administration, Home, Cabinet Secretariat, Vigilance, Election, Information* and *Public Relations, etc.;* Shri Tejashwi Prasad Yadav, Deputy Chief Minister: *Road Construction, Building Construction, BC* and *EBC Welfare;* Sarvashri Tej Pratap Yadav: *Health, Minor Water Resources, Environment* and *Forest Department;* Abdul Bari Siddiqui: *Finance Department;* Rajiv Ranjan (Lalan Singh): *Water Resources, Planning* and *Development;* Ashok Choudhary: *Education, Information Technology;* Shravan Kumar: *Rural Development, Parliamentary Affairs;* Jai Kumar Singh: *Industries Department, Science* and *Technology;* Bijendra Prasad Yadav: *Energy, Commercial Taxes;* Alok Kumar Mehta: *Co-operative Department;* Awadhesh Kumar Singh: *Animal Husbandry* and *Fisheries Resources;* Chandrika Rai: *Transport Department;* Krishannandan Prasad Verma: *Public Health Engineering Department;* Maheshwar Hazari: *Urban Development* and *Housing Department;* Abdul Jalil Mastan: *Registration, Excise* and *Prohibition Department;* Shiv Chandra Ram: *Youth, Art* and *Culture;* Ramvichar Rai: *Agriculture;* Shailesh Kumar: *Rural Works Department;* Dr. Madan Mohan Jha: *Revenue* and *Land Reforms;* Smt. Anita Devi: *Tourism Department;* Kumari Manju Verma: *Social Welfare;* Shri Chandra Shekhar: *Disaster Management;* Dr. Abdul Ghafoor: *Minority Welfare;* Shri Muneshwar Chaudhary: *Mines* and *Geology Department;* Shri Khurshid Ahmad: *Sugarcane Department;* Shri Madan Sahni: *Food* and *Consumer Protection;* Shri Santosh Kumar Nirala: *SC* and *ST Welfare;* Shri Kapil Dev Kamat: *Panchayati Raj;* and Shri Vijay Prakash: *Labour Resources.*

New Speaker: On 3 December 2015, Shri Vijay Kumar Chaudhary of the JD(U) was unanimously elected as the new Speaker of the State Legislative Assembly.

DELHI

Minister dropped: On 9 October 2015, Chief Minister Shri Arvind Kejriwal dropped Minister for Food and Civil Supplies, Shri Asim Ahmed Khan, from his Cabinet.

New Minister: On 21 October 2015, Chief Minister Shri Arvind Kejriwal inducted Shri Imran Hussain as Minister for Food and Civil Supplies into his Council of Ministers.

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* As on 7 January 2016

JHARKHAND

Assembly Bye-election Result: On 17 December 2015, Shri Sukhdeo Bhagat of the INC was declared elected from Lohardaga Assembly constituency, where bye-election was held on 21 November 2015.

MANIPUR

Assembly Bye-elections Results: On 24 November 2015, Shri Thongam Biswajit Singh and Shri Khumukcham Joykishan, both of the BJP, were declared elected from Thongju and Thangmeiband Assembly constituencies, where bye-elections were held on 21 November 2015.

MEGHALAYA

Assembly Bye-election Result: On 24 November 2015, Shri Diosstarness Jyndiang of the Hill State People's Democratic Party was declared elected from Nongstoin Assembly constituency in the bye-election held on 21 November 2015.

MIZORAM

Assembly Bye-election Result: On 24 November 2015, Shri Lal Thanzara of the INC was declared elected from Aizawl Assembly constituency in the bye-election was held on 21 November 2015.

UTTAR PRADESH

Death of Minister: On 27 October 2015, Shri Rajendra Singh Rana, Minister of State (Independent Charge) for Rural Engineering Service, passed away.

Eight Ministers Dropped: On 29 October 2015, Chief Minister Shri Akhilesh Yadav dropped eight Ministers–five of Cabinet rank and three Ministers of State–from his Council of Ministers.

Expansion of Cabinet: On 31 October 2015, Chief Minister Shri Akhilesh Yadav expanded his Cabinet by inducting 21 Ministers into his Council of Ministers. The new Ministers included five Cabinet, eight Ministers of State with Independent Charge, and eight Ministers of State.

The members of the Council of Ministers with their portfolios are as follows*: Shri Akhilesh Yadav, Chief Minister: all Departments which are

* As on 7 January 2016

not allotted to any Minister; Mohd. Azam Khan: *Parliamentary Affairs, Muslim Waqf, Urban Development, Water Supplies, Urban Employment* and *Poverty Alleviation, overall Urban Development, Minority Welfare* and *Haj;* Sarvashri Shivpal Singh Yadav: *Public Works Department, Irrigation, Co-operative, Flood Control, Land Development* and *Water Resources, Waste Land Development, Revenue, Disaster* and *Rehabilitation* and *Public Service Management;* Ahmad Hasan: *Primary Education;* Balram Yadav: *Secondary Education;* Awadhesh Prasad: *Homeguards, Prantiya Raksha Dal;* Om Prakash Singh: *Tourism;* Parasnath Yadav: *Rural Engineering Services;* Ramgovind Chaudhary: *Social Welfare, SC* and *ST Welfare, Sainik Welfare;* Durga Prasad Yadav: *Forest;* Brahmashankar Tripathi: *Khadi* and *Village Industries;* Raj Kishor Singh: *Minor Irrigation, Animal Husbandry;* Rajendra Choudhary: *Political Pension;* Kailash: *Panchayati Raj;* Rammurti Verma: *Dairy Development;* Raghuraj Pratap Singh (Raja Bhaiya): *Stamp* and *Court Fees, Registration, Civil Defence;* Manoj Kumar Pandey: *Science* and *Technology;* Gayatri Prasad Prajapati: *Mining* and *Minerals;* Iqbal Mahmood: *Food* and *Drug Administration;* Mahboob Ali: *Textile* and *Sericulture Industries;* Shahid Manzoor: *Labour, Employment;* Arvind Kumar Singh Gope: *Rural Development;* Kamal Akhtar: *Food* and *Civil Supplies;* Vinod Kumar 'Pandit Singh': *Agriculture, (Except Agriculture External Trade, Agriculture Export* and *Agriculture Marketing) Agriculture Education, Agriculture Research;* Balwant Singh Ramuwalia: *Jail;* and Sahab Singh Saini: *Backward Class Welfare, Handicapped Development.*

The Ministers of State (Independent Charge) are: Smt. Arun Kumari Kori: *Culture;* Sarvashri Vijay Kumar Mishra: *Religious Affairs;* Riaz Ahmed: *Fisheries* and *Public Enterprises;* Fareed Mahfooz Kidwai: *Technical Education;* Moolchandra Chauhan: *Gardening* and *Food Processing;* Ram Sakal Gujar: *Sports, Youth Welfare;* Nitin Agarwal: *Micro, Small* and *Medium Enterprises* and *Export Promotion;* Yasar Shah: *Transport;* Madan Chauhan: *Entertainment Tax;* and Smt. Saiyada Shadab Fatima: *Women Welfare.*

The Ministers of State are: Shri Wasim Ahmed: *Child Development* and *Nutrition, Primary Education* and *Energy;* Dr. Shiv Pratap Yadav: *Zoological Gardens* and *Medical* and *Health;* Shri Rajiv Kumar Singh: *Agriculture, (Except Agriculture External Trade, Agriculture Export* and *Agriculture Marketing) Agriculture Education, Agriculture Research, Religious Affairs;* Shri Abhishek Mishra: *Vocational Education* and *Skilled Development;* Shri Narendra Verma: *Social Welfare, SC* and *ST Welfare, Sainik Kalyan;* Shri Surendra Singh Patel: *P.W.D.* and *Irrigation;* Shri Manpal Singh: *Transport;* Shri Shankhlal Manjhi: *Medical* and *Health, Family*

Welfare, Women and *Child Welfare;* Shri Kailash Chaurasia: *Child Development* and *Nutrition, Primary Education;* Shri Rampal Rajvanshi: *Jail;* Shri Ramkaran Arya: *External Aided Project, Overall Rural Development, Sports* and *Youth Welfare;* Shri Jagdish Sonkar: *Land Development* and *Water Resources* and *Waste Land Development;* Shri Rammurti Singh Verma: *Backward Welfare;* Shri Vijay Bahadur Pal: *Secondary Education;* Shri Radhey Shyam Singh: *Agriculture, (Except Agriculture External Trade, Agriculture Export* and *Agriculture Marketing) Agriculture Education, Agriculture Research, Medical Education;* Shri Shailendra Yadav 'Lalai': *Planning* and *Energy;* Shri Omkar Singh Yadav: *Rural Development;* Shri Tej Narain Pandey *alias* Pawan Pandey: *Forest;* Shri Sudhir Kumar Rawat: *Information Technology* and *Electronics,* and *Medical* and *Health;* Shri Hemraj Verma: *Food* and *Civil Supplies;* Shri Laxmikant *alias* Pappu Nishad: *Food* and *Civil Supplies;* and Vanshidhar Baudh: *Social Welfare, SC* and *ST Welfare, Sainik Welfare.*

Minister dropped: On 25 December 2015, Chief Minister Shri Akhilesh Yadav dropped Minister of State Shri Ompal Yadav from his Council of Ministers.

WEST BENGAL

Resignation of Minister: On 18 November 2015, Minister for Transport Shri Madan Mitra resigned from the Council of Ministers.

Change of Party: On 19 November 2015, Shri Nabin Chandra Bag, Communist Party of India (Marxist) [CPI(M)] member of the State Legislative Assembly, joined the All India Trinamool Congress (AITC). The CPI(M) expelled the MLA from the party for anti-party activities.

Suspension of Two AITC MLAs Revoked: On 28 November 2015, the AITC revoked suspension of two of its MLAs, Smt. Seuli Saha and Shri Dipak Haldar. The two were suspended a few months ago for anti-party activities.

EVENTS ABROAD

ARGENTINA

New President: On 10 December 2015, Mr. Mauricio Macri was sworn in as the Argentina's new President.

CANADA

Parliamentary elections: Elections to the 338-seat House of Commons were held on 19 October 2015. The party position following the elections

was as follows: Total seats: 338; Liberal Party: 184; Conservative Party: 99; New Democratic Party: 44; Bloc Quebecois Party: 10; and Green Party: 1.

GUATEMALA

New President: Mr. Jimmy Morales was elected as the new President, in the elections held on 25 October 2015.

LATVIA

Resignation of Prime Minister: On 7 December 2015, the Prime Minister Ms. Laimdota Straujuma resigned from office.

MYANMAR

Parliamentary elections: Elections to the 440-seat House of Representatives and 224-seat House of Nationalities were held on 1 November 2015.

The party position following the elections to the 440-seat House of Representatives was as follows: National League for Democracy: 255; Union Solidarity and Development Party: 30; Arakan National Party: 12; Shan Nationalities League for Democracy: 12; Pa-O National Organisation: 3; Ta'ang National Party: 3; Lisu National Development Party: 2; Zomi Congress for Democracy: 2; Kachin State Democracy Party: 1; Kokang Democracy and Unity Party: 1; Wa Democratic Party: 1; Independent: 1; Cancelled due to insurgence: 7; and Military appointees: 110.

The party position following the elections to the 224-seat House of Nationalities was as follows: National League for Democracy: 135; Union Solidarity and Development Party: 11; Arakan National Party: 10; Shan Nationalities League for Democracy: 3; Ta'ang National Party: 2; Zomi Congress for Democracy: 2; Mon National Party: 1; National Unity Party: 1; Pa-O National Organisation: 1; Independent: 2; and Military appointees: 56.

NEPAL

New Prime Minister: On 12 October 2015, Mr. K.P. Sharma Oli was sworn in as the new Prime Minister. Mr. Bijay Kumar Gachhadar and Mr. Kamal Thapa were sworn in as the Deputy Prime Ministers.

First Woman President: On 28 October 2015, Ms. Bidhya Devi Bhandari was sworn in as the first woman President of the country.

SPAIN

Parliamentary elections: Elections to the 350-seat Congress of Deputies were held on 20 December 2015. The party position following the elections was as follows: People's Party: 123; Spanish Socialist Workers' Party: 90; We Can: 69; Citizens-Party of the Citizenry: 40; United Left-Popular Unity: 2; Republican Left of Catalonia-Catalonia Yes: 9; Democracy and Freedom: 8; Basque Nationalist Party: 6; Basque Country Unite: 2; and Canarian Coalition-Canarian Nationalist Party: 1.

TURKEY

Parliamentary elections: Elections to the 550-seat Grand National Assembly were held on 1 November 2015. The party position following the elections was as follows: Justice and Development Party: 317; Republican People's Party: 134; Nationalist Movement Party: 40; and Peoples' Democratic Party: 59.

VENEZUELA

Parliamentary elections: Elections to the 167-seat National Assembly were held on 6 December 2015. The party position following the elections was as follows: Democratic Unity Roundtable: 109; Great Patriotic Pole: 55; and Indigenous seats: 3.

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DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015: The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was enacted with a view to preventing the commission of offences of atrocities against the members of the Scheduled Castes and Scheduled Tribes, to establish Special Courts for the trial of such offences and for providing relief and rehabilitation to the victims of such offences.

Despite the deterrent provisions made in the Act, atrocities against the members of the Scheduled Castes and Scheduled Tribes continued at a disturbing level. Adequate justice also remained difficult for a majority of the victims and the witnesses, as they faced hurdles virtually at every stage of the legal process. The implementation of the Act suffered due to (*a*) procedural hurdles such as non-registration of cases; (*b*) procedural delays in investigation, arrests and filing of charge-sheets; and (*c*) delays in trial and low conviction rate.

It was also observed that certain forms of atrocities, known to be occurring in recent years, were not covered under the Act. Several offences under the Indian Penal Code, other than those already covered under section 3(2) (v) of the Act, were also committed frequently against the members of the Scheduled Castes and the Scheduled Tribes on the ground that the victim was a member of a Scheduled Caste and Scheduled Tribe. It was also felt that the public accountability provisions under the Act needed to be outlined in greater detail and strengthened.

In view of the above, it had become necessary to make a comprehensive review of the relevant provisions of the Act after due consultation with the State Governments, the Union territory Administrations, the Union Ministries concerned, the National Commission for the Scheduled Castes, the National Commission for the Scheduled Tribes, certain Non-Governmental Organisations and Activists.

It was, therefore, proposed to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2014 which, *inter alia*, provides the following, namely:–

(*a*) to amend the long title of the Act so as to provide for the establishment of "Exclusive Special Courts" in addition to the Special Courts for the trial of the offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes;

(*b*) to amend section 2 of the Act and insert certain new definitions like

"economic boycott", "Exclusive Special Court", "forest rights", "manual scavenger", "public servant", "social boycott", "victim and witness";

(*c*) to amend section 3 of the Act relating to "Punishments for Offences of Atrocities" so as to provide some more categories of atrocities in the said section for which the same punishment as provided in the said section may be imposed;

(*d*) to substitute section 4 of the Act relating to "Punishment for neglect of duties" so as to impose certain duties upon the public servant and to provide punishment for neglect of the duties specified in the said section;

(*e*) to amend section 8 of the Act relating to "Presumption as to offences" and to provide that if the accused was acquainted with the victim or his family, the court shall presume that the accused was aware of the caste or tribal identity of the victim, unless proved otherwise;

(*f*) to substitute section 14 of the Act relating to "Special Court" so as to provide that the State Government shall, with the concurrence of the Chief Justice of the High Court, establish an Exclusive Special Court for one or more districts to try the offences under the Act;

(*g*) to amend section 15 of the Act relating to "Special Public Prosecutor" so as to insert a new sub-section requiring the State Government to specify an Exclusive Public Prosecutor or appoint an advocate as an Exclusive Special Public Prosecutor for the purpose of conducting cases in Exclusive Special Court; and

(*h*) to insert a new Chapter IVA relating to "Rights of Victims and Witnesses" to impose certain duties and responsibilities upon the State for making necessary arrangements for protection of victims, their dependents and witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2013, containing the aforesaid amendments to the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, was introduced in the Lok Sabha during the Winter Session of Parliament on 12 December 2013. However, the said Bill was not taken up for consideration and passing.

Keeping in view the urgency in the matter, the President, on the recommendations of the Union Government and in exercise of the powers conferred by clause (1) of article 123 of the Constitution, promulgated the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014 on 4 March 2014. It was proposed to replace the aforesaid Ordinance with the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2014.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2015 which sought to achieve the above-mentioned objectives was passed by the Lok Sabha and the Rajya Sabha on 4 August and 21 December 2015, respectively. The President assented to it on 31 December 2015.

The Juvenile Justice (Care and Protection of Children) Act, 2015: Article 15 of the Constitution, *inter alia*, conferred upon the State powers to make special provision for children. Articles 39 (*e*) and (*f*), 45 and 47 further made

the State responsible for ensuring that all needs of children were met and their basic human rights were protected.

The United Nations Convention on the Rights of Children, ratified by India on 11 December 1992, required the State Parties to undertake all appropriate measures in case of a child alleged as, or accused of, violating any penal law, including (*a*) treatment of the child in a manner consistent with the promotion of the child's sense of dignity and worth; (*b*) reinforcing the child's respect for the human rights and fundamental freedoms of others; and (*c*) taking into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

The Juvenile Justice (Care and Protection of Children) Act was enacted in the year 2000 to provide for the protection of children. The Act was amended twice in 2006 and 2011 to address gaps in its implementation and make the law more child-friendly. During the course of the implementation of the Act, several issues arose such as increasing incidents of abuse of children in institutions, inadequate facilities, quality of care and rehabilitation measures in Homes, high pendency of cases, delays in adoption due to faulty and incomplete processing, lack of clarity regarding roles, responsibilities and accountability of institutions and, inadequate provisions to counter offences against children such as corporal punishment, sale of children for adoption purposes, *etc.* which highlighted the need to review the existing law.

Further, increasing cases of crimes committed by children in the age group of 16-18 years in recent years made it evident that the current provisions and system under the Juvenile Justice (Care and Protection of Children) Act, 2000, were ill equipped to tackle child offenders in this age group. The data collected by the National Crime Records Bureau established that crimes by children in the age group of 16-18 years had increased, especially in certain categories of heinous offences.

Numerous changes were required in the existing Juvenile Justice (Care and Protection of Children) Act, 2000 to address the above mentioned issues and, therefore, it was proposed to repeal the existing Juvenile Justice (Care and Protection of Children) Act, 2000 and re-enact a comprehensive legislation *inter alia* to provide for general principles of care and protection of children, procedures in case of children in need of care and protection and children in conflict with law, rehabilitation and social re-integration measures for such children, adoption of orphan, abandoned and surrendered children, and offences committed against children. The proposed legislation would thus ensure proper care, protection, development, treatment and social re-integration of children in difficult circumstance by adopting a child-friendly approach keeping in view the best interest of the child in mind.

The Juvenile Justice (Care and Protection of Children) Bill, 2015 which sought to achieve the above-mentioned objectives was passed by the Lok Sabha and the Rajya Sabha on 7 May and 22 December 2015, respectively. The President assented to it on 31 December 2015.

We reproduce here the texts of the above Acts.

—Editor

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) AMENDMENT ACT, 2015

An Act to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.* (*1*) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of long title.* In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the principal Act), in the long title, for the words "Special Courts", the words "Special Courts and the Exclusive Special Courts" shall be substituted.

3. *Amendment of section 2.* In section 2 of the principal Act, in sub-section (*1*),–

(*i*) after clause (*b*), the following clauses shall be inserted, namely:–

'(*bb*) "dependent" means the spouse, children, parents, brother and sister of the victim, who are dependent wholly or mainly on such victim for his support and maintenance;

(*bc*) "economic boycott" means–

(*i*) a refusal to deal with, work for hire or do business with other person; or

(*ii*) to deny opportunities including access to services or contractual opportunities for rendering service for consideration; or

(*iii*) to refuse to do anything on the terms on which things would be commonly done in the ordinary course of business; or

(*iv*) to abstain from the professional or business relations that one would maintain with other person;

(*bd*) "Exclusive Special Court" means the Exclusive Special Court established under sub-section (*1*) of section 14 exclusively to try the offences under this Act;

(*be*) "forest rights" shall have the meaning assigned to it in

sub-section (*1*) of section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;

(*bf*) "manual scavenger" shall have the meaning assigned to it in clause (*g*) of sub-section (*1*) of section 2 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013;

(*bg*) "public servant" means a public servant as defined under section 21 of the Indian Penal Code, as well as any other person deemed to be a public servant under any other law for the time being in force and includes any person acting in his official capacity under the Central Government or the State Government, as the case may be;';

(*ii*) after clause (*e*), the following clauses shall be inserted, namely:–

'(*ea*) "Schedule" means the Schedule appended to this Act;

(*eb*) "social boycott" means a refusal to permit a person to render to other person or receive from him any customary service or to abstain from social relations that one would maintain with other person or to isolate him from others;

(*ec*) "victim" means any individual who falls within the definition of the 'Scheduled Castes and Scheduled Tribes' under clause (*c*) of sub-section (*1*) of section 2, and who has suffered or experienced physical, mental, psychological, emotional or monetary harm or harm to his property as a result of the commission of any offence under this Act and includes his relatives, legal guardian and legal heirs;

(*ed*) "witness" means any person who is acquainted with the facts and circumstances, or is in possession of any information or has knowledge necessary for the purpose of investigation, inquiry or trial of any crime involving an offence under this Act, and who is or may be required to give information or make a statement or produce any document during investigation, inquiry or trial of such case and includes a victim of such offence;';

(*iii*) for clause (*f*), the following clause shall be substituted, namely:—

"(*f*) the words and expressions used but not defined in

this Act and defined in the Indian Penal Code, the Indian Evidence Act, 1872 or the Code of Criminal Procedure, 1973, as the case may be, shall be deemed to have the meanings respectively assigned to them in those enactments.".

4. *Amendment of section 3.* In section 3 of the principal Act,––

(*i*) for sub-section (*1*), the following sub-section shall be substituted, namely:–

'(*1*) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,–

(*a*) puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or a Scheduled Tribe or forces such member to drink or eat such inedible or obnoxious substance;

(*b*) dumps excreta, sewage, carcasses or any other obnoxious substance in premises, or at the entrance of the premises, occupied by a member of a Scheduled Caste or a Scheduled Tribe;

(*c*) with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighbourhood;

(*d*) garlands with footwear or parades naked or semi-naked a member of a Scheduled Caste or a Scheduled Tribe;

(*e*) forcibly commits on a member of a Scheduled Caste or a Scheduled Tribe any act, such as removing clothes from the person, forcible tonsuring of head, removing moustaches, painting face or body or any other similar act, which is derogatory to human dignity;

(*f*) wrongfully occupies or cultivates any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe, or gets such land transferred;

(*g*) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce therefrom.

Explanation.—For the purposes of clause (*f*) and this clause, the expression "wrongfully" includes—

(*A*) against the person's will;

(*B*) without the person's consent;

(*C*) with the person's consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or

(*D*) fabricating records of such land;

(*h*) makes a member of a Scheduled Caste or a Scheduled Tribe to do "*begar*" or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;

(*i*) compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves;

(*j*) makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose;

(*k*) performs, or promotes dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship, temple, or other religious institution as a *devadasi* or any other similar practice or permits aforementioned acts;

(*l*) forces or intimidates or prevents a member of a Scheduled Caste or a Scheduled Tribe—

(*A*) not to vote or to vote for a particular candidate or to vote in a manner other than that provided by law;

(*B*) not to file a nomination as a candidate or to withdraw such nomination; or

(*C*) not to propose or second the nomination of a member of a Scheduled Caste or a Scheduled Tribe as a candidate in any election;

(*m*) forces or intimidates or obstructs a member of a Scheduled Caste or a Scheduled Tribe, who is a member or a Chairperson or a holder of any other office of a Panchayat under Part IX of the Constitution or a Municipality under Part IXA of the Constitution, from performing their normal duties and functions;

(*n*) after the poll, causes hurt or grievous hurt or assault or imposes or threatens to impose social or economic boycott upon a member of a Schedule Caste or a Scheduled Tribe or prevents from availing benefits of any public service which is due to him;

(*o*) commits any offence under this Act against a member of a Scheduled Caste or a Scheduled Tribe for having voted or not having voted for a particular candidate or for having voted in a manner provided by law;

(*p*) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;

(*q*) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;

(*r*) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(*s*) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;

(*t*) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes.

Explanation.—For the purposes of this clause, the expression "object" means and includes statue, photograph and portrait;

(*u*) by words either written or spoken or by signs or by visible representation or otherwise promotes or attempts to promote feelings of enmity, hatred or ill-will against members of the Scheduled Castes or the Scheduled Tribes;

(*v*) by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes;

(*w*) (*i*) intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient's consent;

(*ii*) uses words, acts or gestures of a sexual nature towards a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe.

Explanation.—For the purposes of sub-clause (*i*), the expression "consent" means an unequivocal voluntary agreement when the person by words, gestures, or any form of non-verbal communication, communicates willingness to participate in the specific act:

Provided that a woman belonging to a Scheduled Caste or a Scheduled Tribe who does not offer physical resistance to any act of a sexual nature is not by reason only of that fact, is to be regarded as consenting to the sexual activity:

Provided further that a woman's sexual history, including with the offender shall not imply consent or mitigate the offence;

(*x*) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;

(*y*) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any other section thereof have a right to use or access to;

(*z*) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence:

Provided that nothing contained in this clause shall apply to any action taken in discharge of a public duty;

(*za*) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to—

(A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing *ghat*, any public conveyance, any road, or passage;

(B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions;

(C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including jatras;

(D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public; or

(E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to;

(*zb*) causes physical harm or mental agony of a member of a Scheduled Caste or a Scheduled Tribe on the allegation of practicing witchcraft or being a witch; or

(*zc*) imposes or threatens a social or economic boycott of any person or a family or a group belonging to a Scheduled Caste or a Scheduled Tribe,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.';

(*ii*) in sub-section (*2*),—

(*a*) in clause (*v*), for the words "on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member", the words "knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member" shall be substituted;

(*b*) after clause (*v*), the following clause shall be inserted, namely:—

"(*va*) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a

Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code for such offences and shall also be liable to fine.".

5. *Substitution of new section for section 4.* For section 4 of the principal Act, the following section shall be substituted, namely:—

"4. *Punishment for neglect of duties.* (*1*) Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act and the rules made thereunder, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

(*2*) The duties of public servant referred to in sub-section (*1*) shall include—

(*a*) to read out to an informant the information given orally, and reduced to writing by the officer in charge of the police station, before taking the signature of the informant;

(*b*) to register a complaint or a First Information Report under this Act and other relevant provisions and to register it under appropriate sections of this Act;

(*c*) to furnish a copy of the information so recorded forthwith to the informant;

(*d*) to record the statement of the victims or witnesses;

(*e*) to conduct the investigation and file charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days, and to explain the delay if any, in writing;

(*f*) to correctly prepare, frame and translate any document or electronic record;

(*g*) to perform any other duty specified in this Act or the rules made thereunder:

Provided that the charges in this regard against the public servant shall be booked on the recommendation of an administrative enquiry.

(*3*) The cognizance in respect of any dereliction of duty referred to in sub-section (2) by a public servant shall be taken by the Special Court or the Exclusive Special Court and shall give direction for penal proceedings against such public servant.".

6. *Amendment of section 8.* In section 8 of the principal Act,—

(*i*) in clause (*a*), for the words "any financial assistance to a person accused of", the words "any financial assistance in relation to the offences committed by a person accused of" shall be substituted;

(*ii*) after clause (*b*), the following clause shall be inserted, namely:—

"(*c*) the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved.".

7. *Amendment of section 10.* In section 10 of the principal Act, in sub-section (1),—

(*a*) after the words and figures "article 244 of the Constitution", the words, brackets and figures "or any area identified under the provisions of clause (*vii*) of sub-section (2) of section 21" shall be inserted;

(*b*) for the words "two years", the words "three years" shall be substituted.

8. *Substitution of new section for section 14.* For section 14 of the principal Act, the following section shall be substituted, namely:—

"**14**. *Special Court and Exclusive Special Court.* (*1*) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, establish an Exclusive Special Court for one or more Districts:

Provided that in Districts where less number of cases under this Act is recorded, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for such Districts, the Court of Session to be a Special Court to try the offences under this Act:

Provided further that the Courts so established or specified shall have power to directly take cognizance of offences under this Act.

(*2*) It shall be the duty of the State Government to establish adequate number of Courts to ensure that cases under this Act are disposed of within a period of two months, as far as possible.

(*3*) In every trial in the Special Court or the Exclusive Special Court, the proceedings shall be continued from day-to-day until all the

witnesses in attendance have been examined, unless the Special Court or the Exclusive Special Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded in writing:

Provided that when the trial relates to an offence under this Act, the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge sheet.".

9. *Insertion of new section 14A.* After section 14 of the principal Act, the following section shall be inserted, namely:—

"**14A.** *Appeals.* (*1*) Notwithstanding anything contained in the Code of Criminal Procedure,1973, an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law.

(*2*) Notwithstanding anything contained in sub-section (*3*) of section 378 of the Code of Criminal Procedure, 1973, an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.

(*3*) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

(*4*) Every appeal preferred under sub-section (*1*) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.

10. *Substitution of new section for section 15.* For section 15 of the principal Act, the following section shall be substituted, namely:—

"**15.** *Special Public Prosecutor and Exclusive Public Prosecutor.* (*1*) For every Special Court, the State Government shall, by notification in the Official Gazette, specify a Public Prosecutor or appoint an advocate who has been in practice as an

advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

(*2*) For every Exclusive Special Court, the State Government shall, by notification in the Official Gazette, specify an Exclusive Special Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as an Exclusive Special Public Prosecutor for the purpose of conducting cases in that Court.".

11. *Insertion of new Chapter IVA.* After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER IVA

RIGHTS OF VICTIMS AND WITNESSES

15A. *Rights of victims and witnesses.* (*1*) It shall be the duty and responsibility of the State to make arrangements for the protection of victims, their dependents, and witnesses against any kind of intimidation or coercion or inducement or violence or threats of violence.

(*2*) A victim shall be treated with fairness, respect and dignity and with due regard to any special need that arises because of the victim's age or gender or educational disadvantage or poverty.

(*3*) A victim or his dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding and the Special Public Prosecutor or the State Government shall inform the victim about any proceedings under this Act.

(*4*) A victim or his dependent shall have the right to apply to the Special Court or the Exclusive Special Court, as the case may be, to summon parties for production of any documents or material, witnesses or examine the persons present.

(*5*) A victim or his dependent shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.

(*6*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Special Court or the Exclusive Special Court trying a case under this Act shall provide to a victim, his dependent, informant or witnesses–

(*a*) the complete protection to secure the ends of justice;

(*b*) the travelling and maintenance expenses during investigation, inquiry and trial;

(*c*) the social-economic rehabilitation during investigation, inquiry and trial; and

(*d*) relocation.

(*7*) The State shall inform the concerned Special Court or the Exclusive Special Court about the protection provided to any victim or his dependent, informant or witnesses and such Court shall periodically review the protection being offered and pass appropriate orders.

(*8*) Without prejudice to the generality of the provisions of sub-section (*6*), the concerned Special Court or the Exclusive Special Court may, on an application made by a victim or his dependent, informant or witness in any proceedings before it or by the Special Public Prosecutor in relation to such victim, informant or witness or on its own motion, take such measures including—

(*a*) concealing the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to the public;

(*b*) issuing directions for non-disclosure of the identity and addresses of the witnesses;

(*c*) take immediate action in respect of any complaint relating to harassment of a victim, informant or witness and on the same day, if necessary, pass appropriate orders for protection:

Provided that inquiry or investigation into the complaint received under clause (*c*) shall be tried separately from the main case by such Court and concluded within a period of two months from the date of receipt of the complaint:

Provided further that where the complaint under clause (*c*) is against any public servant, the Court shall restrain such public servant from interfering with the victim, informant or witness, as the case may be, in any matter related or unrelated to the pending case, except with the permission of the Court.

(9) It shall be the duty of the Investigating Officer and the Station House Officer to record the complaint of victim, informant or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, and a photocopy of the First Information Report shall be immediately given to them at free of cost.

(*10*) All proceedings relating to offences under this Act shall be video

recorded.

(*11*) It shall be the duty of the concerned State to specify an appropriate scheme to ensure implementation of the following rights and entitlements of victims and witnesses in accessing justice so as—

(*a*) to provide a copy of the recorded First Information Report at free of cost;

(*b*) to provide immediate relief in cash or in kind to atrocity victims or their dependents;

(*c*) to provide necessary protection to the atrocity victims or their dependents, and witnesses;

(*d*) to provide relief in respect of death or injury or damage to property;

(*e*) to arrange food or water or clothing or shelter or medical aid or transport facilities or daily allowances to victims;

(*f*) to provide the maintenance expenses to the atrocity victims and their dependents;

(*g*) to provide the information about the rights of atrocity victims at the time of making complaints and registering the First Information Report;

(*h*) to provide the protection to atrocity victims or their dependents and witnesses from intimidation and harassment;

(*i*) to provide the information to atrocity victims or their dependents or associated organisations or individuals, on the status of investigation and charge sheet and to provide copy of the charge sheet at free of cost;

(*j*) to take necessary precautions at the time of medical examination;

(*k*) to provide information to atrocity victims or their dependents or associated organisations or individuals, regarding the relief amount;

(*l*) to provide information to atrocity victims or their dependents or associated organisations or individuals, in advance about the dates and place of investigation and trial;

(*m*) to give adequate briefing on the case and preparation for trial to atrocity victims or their dependents or associated organisations or individuals and to provide the legal aid for the said purpose;

(*n*) to execute the rights of atrocity victims or their dependents or associated organisations or individuals at every stage of

the proceedings under this Act and to provide the necessary assistance for the execution of the rights.

(12) It shall be the right of the atrocity victims or their dependents, to take assistance from the Non-Government Organisations, social workers or advocates.".

12. *Insertion of new Schedule.* After section 23 of the principal Act, the following Schedule shall be inserted, namely:—

"THE SCHEDULE

[*See* section 3(2)(va)]

Section under the Indian Penal Code	Name of offence and punishment
120A	Definition of criminal conspiracy.
120B	Punishment of criminal conspiracy.
141	Unlawful assembly.
142	Being member of unlawful assembly.
143	Punishment for unlawful assembly.
144	Joining unlawful assembly armed with deadly weapon.
145	Joining or continuing in unlawful assembly, knowing it has been commanded to disperse.
146	Rioting.
147	Punishment for rioting.
148	Rioting, armed with deadly weapon.
217	Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.
319	Hurt.
320	Grievous hurt.
323	Punishment for voluntarily causing hurt.
324	Voluntarily causing hurt by dangerous weapons or means.
325	Punishment for voluntarily causing grievous hurt.
326B	Voluntarily throwing or attempting to throw acid.

332	Voluntarily causing hurt to deter public servant from his duty.
341	Punishment for wrongful restraint.
354	Assault or criminal force to woman with intent to outrage her modesty.
354A	Sexual harassment and punishment for sexual harassment.
354B	Assault or use of criminal force to woman with intent to disrobe.
354C	Voyeurism.
354D	Stalking.
359	Kidnapping.
363	Punishment for kidnapping.
365	Kidnapping or abducting with intent secretly and wrongfully to confine person.
376B	Sexual intercourse by husband upon his wife during separation.
376C	Sexual intercourse by a person in authority.
447	Punishment for criminal trespass.
506	Punishment for criminal intimidation.
509	Word, gesture or act intended to insult the modesty of a woman.".

13. *Repeal and savings.* (*1*) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014 is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

An Act to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established, hereinunder and for matters connected therewith or incidental thereto.

WHEREAS, the provisions of the Constitution confer powers and impose duties, under clause (*3*) of article 15, clauses (*e*) and (*f*) of article 39, article 45 and article 47, on the State to ensure that all the needs of children are met and that their basic human rights are fully protected;

AND WHEREAS, the Government of India has acceded on the 11th December, 1992 to the Convention on the Rights of the Child, adopted by the General Assembly of United Nations, which has prescribed a set of standards to be adhered to by all State parties in securing the best interest of the child;

AND WHEREAS, it is expedient to re-enact the Juvenile Justice (Care and Protection of Children) Act, 2000 to make comprehensive provisions for children alleged and found to be in conflict with law and children in need of care and protection, taking into consideration the standards prescribed in the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption (1993), and other related international instruments.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent, commencement and application.* (*1*) This Act may be called the Juvenile Justice (Care and Protection of Children) Act, 2015.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(*4*) Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to all matters concerning children in need of care and protection and children in conflict with law, including —

(*i*) apprehension, detention, prosecution, penalty or imprisonment, rehabilitation and social re-integration of children in conflict with law;

(*ii*) procedures and decisions or orders relating to rehabilitation, adoption, re-integration, and restoration of children in need of care and protection.

2. *Definitions.* In this Act, unless the context otherwise requires,—

(*1*) "abandoned child" means a child deserted by his biological or adoptive parents or guardians, who has been declared as abandoned by the Committee after due inquiry;

(*2*) "adoption" means the process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child;

(*3*) "adoption regulations" means the regulations framed by the Authority and notified by the Central Government in respect of adoption;

(*4*) "administrator" means any district official not below the rank of Deputy Secretary to the State, on whom magisterial powers have been conferred;

(*5*) "aftercare" means making provision of support, financial or otherwise, to persons, who have completed the age of eighteen years but have not completed the age of twenty-one years, and have left any institutional care to join the mainstream of the society;

(*6*) "authorised foreign adoption agency" means a foreign social or child welfare agency that is authorised by the Central Adoption Resource Authority on the recommendation of their Central Authority or Government department of that country for sponsoring the application of non-resident Indian or overseas citizen of India or persons of Indian origin or foreign prospective adoptive parents for adoption of a child from India;

(*7*) "Authority" means the Central Adoption Resource Authority constituted under section 68;

(*8*) "begging" means—

(*i*) soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, under any pretence;

(*ii*) exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(*9*) "best interest of child" means the basis for any decision taken regarding the child, to ensure fulfilment of his basic rights and needs, identity, social well-being and physical, emotional and intellectual development;

(*10*) "Board" means a Juvenile Justice Board constituted under section 4;

(*11*) "Central Authority" means the Government department recognised as such under the Hague Convention on Protection of Children and Cooperation in Inter-country Adoption (1993);

(*12*) "child" means a person who has not completed eighteen years of age;

(*13*) "child in conflict with law" means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence;

(*14*) "child in need of care and protection" means a child—

(*i*) who is found without any home or settled place of abode and without any ostensible means of subsistence; or

(*ii*) who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street; or

(*iii*) who resides with a person (whether a guardian of the child or not) and such person—

(*a*) has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child; or

(*b*) has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; or

(*c*) has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood

of the child in question being killed, abused, exploited or neglected by that person; or

(*iv*) who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, if found so by the Board or the Committee; or

(*v*) who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care for and protect the safety and well-being of the child; or

(*vi*) who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him; or

(*vii*) who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or

(*viii*) who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts; or

(*ix*) who is found vulnerable and is likely to be inducted into drug abuse or trafficking; or

(*x*) who is being or is likely to be abused for unconscionable gains; or

(*xi*) who is victim of or affected by any armed conflict, civil unrest or natural calamity; or

(*xii*) who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnisation of such marriage;

(*15*) "child friendly" means any behaviour, conduct, practice, process, attitude, environment or treatment that is humane, considerate and in the best interest of the child;

(*16*) "child legally free for adoption" means a child declared as such by the Committee after making due inquiry under section 38;

(*17*) "Child Welfare Officer" means an officer attached to a Children's Home, for carrying out the directions given by the Committee or, as the case may be, the Board with such responsibility as may be prescribed;

(*18*) "Child Welfare Police Officer" means an officer designated as such under sub-section (*1*) of section 107;

(*19*) "Children's Home" means a Children's Home, established or maintained, in every district or group of districts, by the State Government, either by itself, or through a voluntary or non-governmental organisation, and is registered as such for the purposes specified in section 50;

(*20*) "Children's Court" means a court established under the Commissions for Protection of Child Rights Act, 2005 or a Special Court under the Protection of Children from Sexual Offences Act, 2012, wherever existing and where such courts have not been designated, the Court of Sessions having jurisdiction to try offences under the Act;

(*21*) "child care institution" means Children Home, open shelter, observation home, special home, place of safety, Specialised Adoption Agency and a fit facility recognised under this Act for providing care and protection to children, who are in need of such services;

(*22*) "Committee" means Child Welfare Committee constituted under section 27;

(*23*) "court" means a civil court, which has jurisdiction in matters of adoption and guardianship and may include the District Court, Family Court and City Civil Courts;

(*24*) "corporal punishment" means the subjecting of a child by any person to physical punishment that involves the deliberate infliction of pain as retribution for an offence, or for the purpose of disciplining or reforming the child;

(*25*) "childline services" means a twenty-four hours emergency outreach service for children in crisis which links them to emergency or long-term care and rehabilitation service;

(*26*) "District Child Protection Unit" means a Child Protection Unit for a District, established by the State Government under section 106, which is the focal point to ensure the implementation of this Act and other child protection measures in the district;

(*27*) "fit facility" means a facility being run by a governmental organisation or a registered voluntary or non-governmental organisation, prepared to temporarily own the responsibility of a particular child for a specific purpose, and such facility is recognised as fit for the said purpose, by the Committee, as the case may be, or the Board, under sub-section (*1*) of section 51;

(*28*) "fit person" means any person, prepared to own the responsibility of a child, for a specific purpose, and such person is identified after inquiry made in this behalf and recognised as fit for the said purpose,

by the Committee or, as the case may be, the Board, to receive and take care of the child;

(*29*) "foster care" means placement of a child, by the Committee for the purpose of alternate care in the domestic environment of a family, other than the child's biological family, that has been selected, qualified, approved and supervised for providing such care;

(*30*) "foster family" means a family found suitable by the District Child Protection Unit to keep children in foster care under section 44;

(*31*) "guardian" in relation to a child, means his natural guardian or any other person having, in the opinion of the Committee or, as the case may be, the Board, the actual charge of the child, and recognised by the Committee or, as the case may be, the Board as a guardian in the course of proceedings;

(*32*) "group foster care" means a family like care facility for children in need of care and protection who are without parental care, aiming on providing personalised care and fostering a sense of belonging and identity, through family like and community based solutions;

(*33*) "heinous offences" includes the offences for which the minimum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment for seven years or more;

(*34*) "inter-country adoption" means adoption of a child from India by non-resident Indian or by a person of Indian origin or by a foreigner;

(*35*) "juvenile" means a child below the age of eighteen years;

(*36*) "narcotic drug" and "psychotropic substance" shall have the meanings, respectively, assigned to them in the Narcotic Drugs and Psychotropic Substances Act, 1985;

(*37*) "no objection certificate" for inter-country adoption means a certificate issued by the Central Adoption Resource Authority for the said purpose;

(*38*) "non-resident Indian" means a person who holds an Indian passport and is presently residing abroad for more than one year;

(*39*) "notification" means the notification published in the Official Gazette of India, or as the case may be, in the Gazette of a State, and the expression "notify" shall be construed accordingly;

(*40*) "observation home" means an observation home established and maintained in every district or group of districts by a State Government, either by itself, or through a voluntary or non-governmental organisation,

and is registered as such, for the purposes specified in sub-section (*1*) of section 47;

(*41*) "open shelter" means a facility for children, established and maintained by the State Government, either by itself, or through a voluntary or non-governmental organisation under sub-section (*1*) of section 43, and registered as such, for the purposes specified in that section;

(*42*) "orphan" means a child—

(*i*) who is without biological or adoptive parents or legal guardian; or

(*ii*) whose legal guardian is not willing to take, or capable of taking care of the child;

(*43*) "overseas citizen of India" means a person registered as such under the Citizenship Act, 1955;

(*44*) "person of Indian origin" means a person, any of whose lineal ancestors is or was an Indian national, and who is presently holding a Person of Indian Origin Card issued by the Central Government;

(*45*) "petty offences" includes the offences for which the maximum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment up to three years;

(*46*) "place of safety" means any place or institution, not being a police lockup or jail, established separately or attached to an observation home or a special home, as the case may be, the person in-charge of which is willing to receive and take care of the children alleged or found to be in conflict with law, by an order of the Board or the Children's Court, both during inquiry and ongoing rehabilitation after having been found guilty for a period and purpose as specified in the order;

(*47*) "prescribed" means prescribed by rules made under this Act;

(*48*) "probation officer" means an officer appointed by the State Government as a probation officer under the Probation of Offenders Act, 1958 or the Legal-cum-Probation Officer appointed by the State Government under District Child Protection Unit;

(*49*) "prospective adoptive parents" means a person or persons eligible to adopt a child as per the provisions of section 57;

(*50*) "public place" shall have the same meaning assigned to it in the Immoral Traffic (Prevention) Act, 1956;

(*51*) "registered", with reference to child care institutions or agencies

or facilities managed by the State Government, or a voluntary or non-governmental organisation, means observation homes, special homes, place of safety, children's homes, open shelters or Specialised Adoption Agency or fit facility or any other institution that may come up in response to a particular need or agencies or facilities authorised and registered under section 41, for providing residential care to children, on a short-term or long-term basis;

(*52*) "relative", in relation to a child for the purpose of adoption under this Act, means a paternal uncle or aunt, or a maternal uncle or aunt, or paternal grandparent or maternal grandparent;

(*53*) "State Agency" means the State Adoption Resource Agency set up by the State Government for dealing with adoption and related matters under section 67;

(*54*) "serious offences" includes the offences for which the punishment under the Indian Penal Code or any other law for the time being in force, is imprisonment between three to seven years;

(*55*) "special juvenile police unit" means a unit of the police force of a district or city or, as the case may be, any other police unit like railway police, dealing with children and designated as such for handling children under section 107;

(*56*) "special home" means an institution established by a State Government or by a voluntary or non-governmental organisation, registered under section 48, for housing and providing rehabilitative services to children in conflict with law, who are found, through inquiry, to have committed an offence and are sent to such institution by an order of the Board;

(*57*) "Specialised Adoption Agency" means an institution established by the State Government or by a voluntary or non-governmental organisation and recognised under section 65, for housing orphans, abandoned and surrendered children, placed there by order of the Committee, for the purpose of adoption;

(*58*) "sponsorship" means provision of supplementary support, financial or otherwise, to the families to meet the medical, educational and developmental needs of the child;

(*59*) "State Government", in relation to a Union territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;

(*60*) "surrendered child" means a child, who is relinquished by the

parent or guardian to the Committee, on account of physical, emotional and social factors beyond their control, and declared as such by the Committee;

(*61*) all words and expressions used but not defined in this Act and defined in other Acts shall have the meanings respectively assigned to them in those Acts.

CHAPTER II

GENERAL PRINCIPLES OF CARE AND PROTECTION OF CHILDREN

3. *General principles to be followed in administration of Act.* The Central Government, the State Governments, the Board, and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:—

(*i*) *Principle of presumption of innocence:* Any child shall be presumed to be an innocent of any *mala fide* or criminal intent up to the age of eighteen years.

(*ii*) *Principle of dignity and worth:* All human beings shall be treated with equal dignity and rights.

(*iii*) *Principle of participation*: Every child shall have a right to be heard and to participate in all processes and decisions affecting his interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child.

(*iv*) *Principle of best interest:* All decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential.

(*v*) *Principle of family responsibility:* The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be.

(*vi*) *Principle of safety:* All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter.

(*vii*) *Positive measures:* All resources are to be mobilised including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this Act.

(*viii*) *Principle of non-stigmatising semantics:* Adversarial or accusatory words are not to be used in the processes pertaining to a child.

(*ix*) *Principle of non-waiver of rights*: No waiver of any of the right of the child is permissible or valid, whether sought by the child or person acting on behalf of the child, or a Board or a Committee and any non-exercise of a fundamental right shall not amount to waiver.

(*x*) *Principle of equality and non-discrimination:* There shall be no discrimination against a child on any grounds including sex, caste, ethnicity, place of birth, disability and equality of access, opportunity and treatment shall be provided to every child.

(*xi*) *Principle of right to privacy and confidentiality:* Every child shall have a right to protection of his privacy and confidentiality, by all means and throughout the judicial process.

(*xii*) *Principle of institutionalisation as a measure of last resort:* A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.

(*xiii*) *Principle of repatriation and restoration:* Every child in the juvenile justice system shall have the right to be re-united with his family at the earliest and to be restored to the same socio-economic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest.

(*xiv*) *Principle of fresh start:* All past records of any child under the Juvenile Justice system should be erased except in special circumstances.

(*xv*) *Principle of diversion:* Measures for dealing with children in conflict with law without resorting to judicial proceedings shall be promoted unless it is in the best interest of the child or the society as a whole.

(*xvi*) *Principles of natural justice:* Basic procedural standards of fairness shall be adhered to, including the right to a fair hearing, rule against bias and the right to review, by all persons or bodies, acting in a judicial capacity under this Act.

CHAPTER III

JUVENILE JUSTICE BOARD

4. *Juvenile Justice Board.* (*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the State Government shall,

constitute for every district, one or more Juvenile Justice Boards for exercising the powers and discharging its functions relating to children in conflict with law under this Act.

(*2*) A Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of First Class not being Chief Metropolitan Magistrate or Chief Judicial Magistrate (hereinafter referred to as Principal Magistrate) with at least three years experience and two social workers selected in such manner as may be prescribed, of whom at least one shall be a woman, forming a Bench and every such Bench shall have the powers conferred by the Code of Criminal Procedure, 1973 on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of First Class.

(*3*) No social worker shall be appointed as a member of the Board unless such person has been actively involved in health, education, or welfare activities pertaining to children for atleast seven years or a practicing professional with a degree in child psychology, psychiatry, sociology or law.

(*4*) No person shall be eligible for selection as a member of the Board, if he—

(*i*) has any past record of violation of human rights or child rights;

(*ii*) has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or has not been granted full pardon in respect of such offence;

(*iii*) has been removed or dismissed from service of the Central Government or a State Government or an undertaking or corporation owned or controlled by the Central Government or a State Government;

(*iv*) has ever indulged in child abuse or employment of child labour or any other violation of human rights or immoral act.

(*5*) The State Government shall ensure that induction training and sensitisation of all members including Principal Magistrate of the Board on care, protection, rehabilitation, legal provisions and justice for children, as may be prescribed, is provided within a period of sixty days from the date of appointment.

(*6*) The term of office of the members of the Board and the manner in which such member may resign shall be such, as may be prescribed.

(*7*) The appointment of any member of the Board, except the

Principal Magistrate, may be terminated after holding an inquiry by the State Government, if he —

(*i*) has been found guilty of misuse of power vested under this Act; or

(*ii*) fails to attend the proceedings of the Board consecutively for three months without any valid reason; or

(*iii*) fails to attend less than three-fourths of the sittings in a year; or

(*iv*) becomes ineligible under sub-section (*4*) during his term as a member.

5. *Placement of person, who cease to be a child during process of inquiry.* Where an inquiry has been initiated in respect of any child under this Act, and during the course of such inquiry, the child completes the age of eighteen years, then, notwithstanding anything contained in this Act or in any other law for the time being in force, the inquiry may be continued by the Board and orders may be passed in respect of such person as if such person had continued to be a child.

6. *Placement of persons, who committed an offence, when person was below the age of eighteen years.* (*1*) Any person, who has completed eighteen years of age, and is apprehended for committing an offence when he was below the age of eighteen years, then, such person shall, subject to the provisions of this section, be treated as a child during the process of inquiry.

(*2*) The person referred to in sub-section (*1*), if not released on bail by the Board shall be placed in a place of safety during the process of inquiry.

(*3*) The person referred to in sub-section (*1*) shall be treated as per the procedure specified under the provisions of this Act.

7. *Procedure in relation to Board.* (*1*) The Board shall meet at such times and shall observe such rules in regard to the transaction of business at its meetings, as may be prescribed and shall ensure that all procedures are child friendly and that the venue is not intimidating to the child and does not resemble as regular courts.

(*2*) A child in conflict with law may be produced before an individual member of the Board, when the Board is not in sitting.

(*3*) A Board may act notwithstanding the absence of any member of the Board, and no order passed by the Board shall be invalid by the reason only of the absence of any member during any stage of proceedings:

Provided that there shall be atleast two members including the Principal Magistrate present at the time of final disposal of the case or in making an order under sub-section (*3*) of section 18.

(*4*) In the event of any difference of opinion among the members of the Board in the interim or final disposal, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the Principal Magistrate, shall prevail.

8. *Powers, functions and responsibilities of the Board.* (*1*) Notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, the Board constituted for any district shall have the power to deal exclusively with all the proceedings under this Act, relating to children in conflict with law, in the area of jurisdiction of such Board.

(*2*) The powers conferred on the Board by or under this Act may also be exercised by the High Court and the Children's Court, when the proceedings come before them under section 19 or in appeal, revision or otherwise.

(*3*) The functions and responsibilities of the Board shall include'—

(*a*) ensuring the informed participation of the child and the parent or guardian, in every step of the process;

(*b*) ensuring that the child's rights are protected throughout the process of apprehending the child, inquiry, aftercare and rehabilitation;

(*c*) ensuring availability of legal aid for the child through the legal services institutions;

(*d*) wherever necessary the Board shall provide an interpreter or translator, having such qualifications, experience, and on payment of such fees as may be prescribed, to the child if he fails to understand the language used in the proceedings;

(*e*) directing the Probation Officer, or in case a Probation Officer is not available to the Child Welfare Officer or a social worker, to undertake a social investigation into the case and submit a social investigation report within a period of fifteen days from the date of first production before the Board to ascertain the circumstances in which the alleged offence was committed;

(*f*) adjudicate and dispose of cases of children in conflict with law in accordance with the process of inquiry specified in section 14;

(*g*) transferring to the Committee, matters concerning the child alleged to be in conflict with law, stated to be in need of care and protection at any stage, thereby recognising that a child in conflict with law can also be a child in need of care simultaneously and there is a need for the Committee and the Board to be both involved;

(*h*) disposing of the matter and passing a final order that includes an individual care plan for the child's rehabilitation, including follow up by the Probation Officer or the District Child Protection Unit or a member of a non-governmental organisation, as may be required;

(*i*) conducting inquiry for declaring fit persons regarding care of children in conflict with law;

(*j*) conducting at least one inspection visit every month of residential facilities for children in conflict with law and recommend action for improvement in quality of services to the District Child Protection Unit and the State Government;

(*k*) order the police for registration of first information report for offences committed against any child in conflict with law, under this Act or any other law for the time being in force, on a complaint made in this regard;

(*l*) order the police for registration of first information report for offences committed against any child in need of care and protection, under this Act or any other law for the time being in force, on a written complaint by a Committee in this regard;

(*m*) conducting regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of such a child to the observation home; and

(*n*) any other function as may be prescribed.

9. *Procedure to be followed by a Magistrate who has not been empowered under this Act.* (*1*) When a Magistrate, not empowered to exercise the powers of the Board under this Act is of the opinion that the person alleged to have committed the offence and brought before him is a child, he shall, without any delay, record such opinion and forward the child immediately along with the record of such proceedings to the Board having jurisdiction.

(*2*) In case a person alleged to have committed an offence claims before a court other than a Board, that the person is a child or was a child on the date of commission of the offence, or if the court itself is of the opinion that the person was a child on the date of commission

of the offence, the said court shall make an inquiry, take such evidence as may be necessary (but not an affidavit) to determine the age of such person, and shall record a finding on the matter, stating the age of the person as nearly as may be:

Provided that such a claim may be raised before any court and it shall be recognised at any stage, even after final disposal of the case, and such a claim shall be determined in accordance with the provisions contained in this Act and the rules made thereunder even if the person has ceased to be a child on or before the date of commencement of this Act.

(*3*) If the court finds that a person has committed an offence and was a child on the date of commission of such offence, it shall forward the child to the Board for passing appropriate orders and the sentence, if any, passed by the court shall be deemed to have no effect.

(*4*) In case a person under this section is required to be kept in protective custody, while the person's claim of being a child is being inquired into, such person may be placed, in the intervening period in a place of safety.

CHAPTER IV

PROCEDURE IN RELATION TO CHILDREN IN CONFLICT WITH LAW

10. *Apprehension of child alleged to be in conflict with law.* (*1*) As soon as a child alleged to be in conflict with law is apprehended by the police, such child shall be placed under the charge of the special juvenile police unit or the designated child welfare police officer, who shall produce the child before the Board without any loss of time but within a period of twenty-four hours of apprehending the child excluding the time necessary for the journey, from the place where such child was apprehended:

Provided that in no case, a child alleged to be in conflict with law shall be placed in a police lockup or lodged in a jail.

(*2*) The State Government shall make rules consistent with this Act,—

(*i*) to provide for persons through whom (including registered voluntary or non-governmental organisations) any child alleged to be in conflict with law may be produced before the Board;

(*ii*) to provide for the manner in which the child alleged to be in conflict with law may be sent to an observation home or place of safety, as the case may be.

11. *Role of person in whose charge child in conflict with law is placed.* Any person in whose charge a child in conflict with law is placed, shall while the order is in force, have responsibility of the said child, as if the said person was the child's parent and responsible for the child's maintenance:

Provided that the child shall continue in such person's charge for the period stated by the Board, notwithstanding that the said child is claimed by the parents or any other person except when the Board is of the opinion that the parent or any other person are fit to exercise charge over such child.

12. *Bail to a person who is apparently a child alleged to be in conflict with law.* (*1*) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:

Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

(*2*) When such person having been apprehended is not released on bail under sub-section (*1*) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home in such manner as may be prescribed until the person can be brought before a Board.

(*3*) When such person is not released on bail under sub-section (*1*) by the Board, it shall make an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person, as may be specified in the order.

(*4*) When a child in conflict with law is unable to fulfil the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail.

13. *Information to parents, guardian or probation officer.* (*1*) Where

a child alleged to be in conflict with law is apprehended, the officer designated as Child Welfare Police Officer of the police station, or the special juvenile police unit to which such child is brought, shall, as soon as possible after apprehending the child, inform —

(*i*) the parent or guardian of such child, if they can be found, and direct them to be present at the Board before which the child is produced; and

(*ii*) the probation officer, or if no probation officer is available, a Child Welfare Officer, for preparation and submission within two weeks to the Board, a social investigation report containing information regarding the antecedents and family background of the child and other material circumstances likely to be of assistance to the Board for making the inquiry.

(*2*) Where a child is released on bail, the probation officer or the Child Welfare Officer shall be informed by the Board.

14. *Inquiry by Board regarding child in conflict with law.* (*1*) Where a child alleged to be in conflict with law is produced before Board, the Board shall hold an inquiry in accordance with the provisions of this Act and may pass such orders in relation to such child as it deems fit under sections 17 and 18 of this Act.

(*2*) The inquiry under this section shall be completed within a period of four months from the date of first production of the child before the Board, unless the period is extended, for a maximum period of two more months by the Board, having regard to the circumstances of the case and after recording the reasons in writing for such extension.

(*3*) A preliminary assessment in case of heinous offences under section 15 shall be disposed of by the Board within a period of three months from the date of first production of the child before the Board.

(*4*) If inquiry by the Board under sub-section (*2*) for petty offences remains inconclusive even after the extended period, the proceedings shall stand terminated:

Provided that for serious or heinous offences, in case the Board requires further extension of time for completion of inquiry, the same shall be granted by the Chief Judicial Magistrate or, as the case may be, the Chief Metropolitan Magistrate, for reasons to be recorded in writing.

(*5*) The Board shall take the following steps to ensure fair and speedy inquiry, namely:—

(*a*) at the time of initiating the inquiry, the Board shall satisfy

itself that the child in conflict with law has not been subjected to any ill-treatment by the police or by any other person, including a lawyer or probation officer and take corrective steps in case of such ill-treatment;

(*b)* in all cases under the Act, the proceedings shall be conducted in simple manner as possible and care shall be taken to ensure that the child, against whom the proceedings have been instituted, is given child-friendly atmosphere during the proceedings;

(*c)* every child brought before the Board shall be given the opportunity of being heard and participate in the inquiry;

(*d)* cases of petty offences, shall be disposed of by the Board through summary proceedings, as per the procedure prescribed under the Code of Criminal Procedure, 1973;

(*e)* inquiry of serious offences shall be disposed of by the Board, by following the procedure, for trial in summons cases under the Code of Criminal Procedure, 1973;

(*f)* inquiry of heinous offences,—

(*i)* for child below the age of sixteen years as on the date of commission of an offence shall be disposed of by the Board under clause (*e)*;

(*ii)* for child above the age of sixteen years as on the date of commission of an offence shall be dealt with in the manner prescribed under section 15.

15. *Preliminary assessment into heinous offences by Board.* (*1*) In case of a heinous offence alleged to have been committed by a child, who has completed or is above the age of sixteen years, the Board shall conduct a preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence, and may pass an order in accordance with the provisions of sub-section (*3*) of section 18:

Provided that for such an assessment, the Board may take the assistance of experienced psychologists or psycho-social workers or other experts.

Explanation.—For the purposes of this section, it is clarified that preliminary assessment is not a trial, but is to assess the capacity of such child to commit and understand the consequences of the alleged offence.

(*2*) Where the Board is satisfied on preliminary assessment that the

matter should be disposed of by the Board, then the Board shall follow the procedure, as far as may be, for trial in summons case under the Code of Criminal Procedure, 1973:

Provided that the order of the Board to dispose of the matter shall be appealable under sub-section (*2*) of section 101:

Provided further that the assessment under this section shall be completed within the period specified in section 14.

16. *Review of pendency of inquiry.* (*1*) The Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall review the pendency of cases of the Board once in every three months, and shall direct the Board to increase the frequency of its sittings or may recommend the constitution of additional Boards.

(*2*) The number of cases pending before the Board, duration of such pendency, nature of pendency and reasons thereof shall be reviewed in every six months by a high level committee consisting of the Executive Chairperson of the State Legal Services Authority, who shall be the Chairperson, the Home Secretary, the Secretary responsible for the implementation of this Act in the State and a representative from a voluntary or non-governmental organisation to be nominated by the Chairperson.

(*3*) The information of such pendency shall also be furnished by the Board to the Chief Judicial Magistrate or the Chief Metropolitan Magistrate and the District Magistrate on quarterly basis in such form as may be prescribed by the State Government.

17. *Orders regarding a child not found to be in conflict with law.* (*1*) Where a Board is satisfied on inquiry that the child brought before it has not committed any offence, then notwithstanding anything contrary contained in any other law for the time being in force, the Board shall pass order to that effect.

(*2*) In case it appears to the Board that the child referred to in sub-section (*1*) is in need of care and protection, it may refer the child to the Committee with appropriate directions.

18. *Orders regarding child found to be in conflict with law.* (*1*) Where a Board is satisfied on inquiry that a child irrespective of age has committed a petty offence, or a serious offence, or a child below the age of sixteen years has committed a heinous offence, then, notwithstanding anything contrary contained in any other law for the time being in force, and based on the nature of offence, specific need

for supervision or intervention, circumstances as brought out in the social investigation report and past conduct of the child, the Board may, if it so thinks fit,—

(*a*) allow the child to go home after advice or admonition by following appropriate inquiry and counselling to such child and to his parents or the guardian;

(*b*) direct the child to participate in group counselling and similar activities;

(*c*) order the child to perform community service under the supervision of an organisation or institution, or a specified person, persons or group of persons identified by the Board;

(*d*) order the child or parents or the guardian of the child to pay fine:

Provided that, in case the child is working, it may be ensured that the provisions of any labour law for the time being in force are not violated;

(*e*) direct the child to be released on probation of good conduct and placed under the care of any parent, guardian or fit person, on such parent, guardian or fit person executing a bond, with or without surety, as the Board may require, for the good behaviour and child's well-being for any period not exceeding three years;

(*f*) direct the child to be released on probation of good conduct and placed under the care and supervision of any fit facility for ensuring the good behaviour and child's well-being for any period not exceeding three years;

(*g*) direct the child to be sent to a special home, for such period, not exceeding three years, as it thinks fit, for providing reformative services including education, skill development, counselling, behaviour modification therapy, and psychiatric support during the period of stay in the special home:

Provided that if the conduct and behaviour of the child has been such that, it would not be in the child's interest, or in the interest of other children housed in a special home, the Board may send such child to the place of safety.

(*2*) If an order is passed under clauses (*a*) to (*g*) of sub-section (*1*), the Board may, in addition pass orders to—

(*i*) attend school; or

(*ii*) attend a vocational training centre; or

(*iii*) attend a therapeutic centre; or

(*iv*) prohibit the child from visiting, frequenting or appearing at a specified place; or

(*v*) undergo a de-addiction programme.

(*3*) Where the Board after preliminary assessment under section 15 pass an order that there is a need for trial of the said child as an adult, then the Board may order transfer of the trial of the case to the Children's Court having jurisdiction to try such offences.

19. *Powers of Children's Court.* (*1*) After the receipt of preliminary assessment from the Board under section 15, the Children's Court may decide that—

(*i*) there is a need for trial of the child as an adult as per the provisions of the Code of Criminal Procedure, 1973 and pass appropriate orders after trial subject to the provisions of this section and section 21, considering the special needs of the child, the tenets of fair trial and maintaining a child friendly atmosphere;

(*ii*) there is no need for trial of the child as an adult and may conduct an inquiry as a Board and pass appropriate orders in accordance with the provisions of section 18.

(*2*) The Children's Court shall ensure that the final order, with regard to a child in conflict with law, shall include an individual care plan for the rehabilitation of child, including follow up by the probation officer or the District Child Protection Unit or a social worker.

(*3*) The Children's Court shall ensure that the child who is found to be in conflict with law is sent to a place of safety till he attains the age of twenty-one years and thereafter, the person shall be transferred to a jail:

Provided that the reformative services including educational services, skill development, alternative therapy such as counselling, behaviour modification therapy, and psychiatric support shall be provided to the child during the period of his stay in the place of safety.

(*4*) The Children's Court shall ensure that there is a periodic follow up report every year by the probation officer or the District Child Protection Unit or a social worker, as required, to evaluate the progress of the child in the place of safety and to ensure that there is no ill-treatment to the child in any form.

(*5*) The reports under sub-section (*4*) shall be forwarded to the Children's Court for record and follow up, as may be required.

20. *Child attained age of twenty-one years and yet to complete*

prescribed term of stay in place of safety. (*1*) When the child in conflict with the law attains the age of twenty-one years and is yet to complete the term of stay, the Children's Court shall provide for a follow up by the probation officer or the District Child Protection Unit or a social worker or by itself, as required, to evaluate if such child has undergone reformative changes and if the child can be a contributing member of the society and for this purpose the progress records of the child under sub-section (*4*) of section 19, along with evaluation of relevant experts are to be taken into consideration.

(*2*) After the completion of the procedure specified under sub-section (*1*), the Children's Court may—

(*i*) decide to release the child on such conditions as it deems fit which includes appointment of a monitoring authority for the remainder of the prescribed term of stay;

(*ii*) decide that the child shall complete the remainder of his term in a jail:

Provided that each State Government shall maintain a list of monitoring authorities and monitoring procedures as may be prescribed.

21. *Order that may not be passed against a child in conflict with law.* No child in conflict with law shall be sentenced to death or for life imprisonment without the possibility of release, for any such offence, either under the provisions of this Act or under the provisions of the Indian Penal Code or any other law for the time being in force.

22. *Proceeding under Chapter VIII of the Code of Criminal Procedure not to apply against child.* Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973, or any preventive detention law for the time being in force, no proceeding shall be instituted and no order shall be passed against any child under Chapter VIII of the said Code.

23. *No joint proceedings of child in conflict with law and person not a child.* (*1*) Notwithstanding anything contained in section 223 of the Code of Criminal Procedure, 1973 or in any other law for the time being in force, there shall be no joint proceedings of a child alleged to be in conflict with law, with a person who is not a child.

(*2*) If during the inquiry by the Board or by the Children's Court, the person alleged to be in conflict with law is found that he is not a child, such person shall not be tried along with a child.

24. *Removal of disqualification on the findings of an offence.*

(*1*) Notwithstanding anything contained in any other law for the time being in force, a child who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attached to a conviction of an offence under such law:

Provided that in case of a child who has completed or is above the age of sixteen years and is found to be in conflict with law by the Children's Court under clause (*i*) of sub-section (*1*) of section 19, the provisions of sub-section (*1*) shall not apply.

(*2*) The Board shall make an order directing the Police, or by the Children's court to its own registry that the relevant records of such conviction shall be destroyed after the expiry of the period of appeal or, as the case may be, a reasonable period as may be prescribed:

Provided that in case of a heinous offence where the child is found to be in conflict with law under clause (*i*) of sub-section (*1*) of section 19, the relevant records of conviction of such child shall be retained by the Children's Court.

25. *Special provision in respect of pending cases.* Notwithstanding anything contained in this Act, all proceedings in respect of a child alleged or found to be in conflict with law pending before any Board or court on the date of commencement of this Act, shall be continued in that Board or court as if this Act had not been enacted.

26. *Provision with respect of run away child in conflict with law.* (*1*) Notwithstanding anything to the contrary contained in any other law for the time being in force, any police officer may take charge of a child in conflict with law who has run away from a special home or an observation home or a place of safety or from the care of a person or institution under whom the child was placed under this Act.

(*2*) The child referred to in sub-section (*1*) shall be produced, within twenty-four hours, preferably before the Board which passed the original order in respect of that child, if possible, or to the nearest Board where the child is found.

(*3*) The Board shall ascertain the reasons for the child having run away and pass appropriate orders for the child to be sent back either to the institution or person from whose custody the child had run away or any other similar place or person, as the Board may deem fit:

Provided that the Board may also give additional directions regarding any special steps that may be deemed necessary, for the best interest of the child.

(*4*) No additional proceeding shall be instituted in respect of such child.

CHAPTER V

CHILD WELFARE COMMITTEE

27. *Child Welfare Committee.* (*1*) The State Government shall by notification in the Official Gazette constitute for every district, one or more Child Welfare Committees for exercising the powers and to discharge the duties conferred on such Committees in relation to children in need of care and protection under this Act and ensure that induction training and sensitisation of all members of the committee is provided within two months from the date of notification.

(*2*) The Committee shall consist of a Chairperson, and four other members as the State Government may think fit to appoint, of whom atleast one shall be a woman and another, an expert on the matters concerning children.

(*3*) The District Child Protection Unit shall provide a Secretary and other staff that may be required for secretarial support to the Committee for its effective functioning.

(*4*) No person shall be appointed as a member of the Committee unless such person has been actively involved in health, education or welfare activities pertaining to children for atleast seven years or is a practicing professional with a degree in child psychology or psychiatry or law or social work or sociology or human development.

(*5*) No person shall be appointed as a member unless he possesses such other qualifications as may be prescribed.

(*6*) No person shall be appointed for a period of more than three years as a member of the Committee.

(*7*) The appointment of any member of the Committee shall be terminated by the State Government after making an inquiry, if—

(*i*) he has been found guilty of misuse of power vested on him under this Act;

(*ii*) he has been convicted of an offence involving moral turpitude and such conviction has not been reversed or he has not been granted full pardon in respect of such offence;

(*iii*) he fails to attend the proceedings of the Committee consecutively for three months without any valid reason or he fails to attend less than three-fourths of the sittings in a year.

(*8*) The District Magistrate shall conduct a quarterly review of the functioning of the Committee.

(*9*) The Committee shall function as a Bench and shall have the powers conferred by the Code of Criminal Procedure, 1973 on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of First Class.

(*10*) The District Magistrate shall be the grievances redressal authority for the Child Welfare Committee and anyone connected with the child, may file a petition before the District Magistrate, who shall consider and pass appropriate orders.

28. *Procedure in relation to Committee.* (*1*) The Committee shall meet at least twenty days in a month and shall observe such rules and procedures with regard to the transaction of business at its meetings, as may be prescribed.

(*2*) A visit to an existing child care institution by the Committee, to check its functioning and well being of children shall be considered as a sitting of the Committee.

(*3*) A child in need of care and protection may be produced before an individual member of the Committee for being placed in a Children's Home or fit person when the Committee is not in session.

(*4*) In the event of any difference of opinion among the members of the Committee at the time of taking any decision, the opinion of the majority shall prevail but where there is no such majority, the opinion of the Chairperson shall prevail.

(*5*) Subject to the provisions of sub-section (*1*), the Committee may act, notwithstanding the absence of any member of the Committee, and no order made by the Committee shall be invalid by reason only of the absence of any member during any stage of the proceeding:

Provided that there shall be at least three members present at the time of final disposal of the case.

29. *Powers of Committee.* (*1*) The Committee shall have the authority to dispose of cases for the care, protection, treatment, development and rehabilitation of children in need of care and protection, as well as to provide for their basic needs and protection.

(*2*) Where a Committee has been constituted for any area, such Committee shall, notwithstanding anything contained in any other law for the time being in force, but save as otherwise expressly provided in

this Act, have the power to deal exclusively with all proceedings under this Act relating to children in need of care and protection.

30. *Functions and responsibilities of Committee.* The functions and responsibilities of the Committee shall include—

(*i*) taking cognizance of and receiving the children produced before it;

(*ii*) conducting inquiry on all issues relating to and affecting the safety and well-being of the children under this Act;

(*iii*) directing the Child Welfare Officers or probation officers or District Child Protection Unit or non-governmental organisations to conduct social investigation and submit a report before the Committee;

(*iv*) conducting inquiry for declaring fit persons for care of children in need of care and protection;

(*v*) directing placement of a child in foster care;

(*vi*) ensuring care, protection, appropriate rehabilitation or restoration of children in need of care and protection, based on the child's individual care plan and passing necessary directions to parents or guardians or fit persons or children's homes or fit facility in this regard;

(*vii*) selecting registered institution for placement of each child requiring institutional support, based on the child's age, gender, disability and needs and keeping in mind the available capacity of the institution;

(*viii*) conducting at least two inspection visits per month of residential facilities for children in need of care and protection and recommending action for improvement in quality of services to the District Child Protection Unit and the State Government;

(*ix*) certifying the execution of the surrender deed by the parents and ensuring that they are given time to reconsider their decision as well as making all efforts to keep the family together;

(*x*) ensuring that all efforts are made for restoration of abandoned or lost children to their families following due process, as may be prescribed;

(*xi*) declaration of orphan, abandoned and surrendered child as legally free for adoption after due inquiry;

(*xii*) taking *suo motu* cognizance of cases and reaching out to children in need of care and protection, who are not produced before the Committee, provided that such decision is taken by at least three members;

(*xiii*) taking action for rehabilitation of sexually abused children who are reported as children in need of care and protection to the Committee by Special Juvenile Police Unit or local police, as the case may be, under the Protection of Children from Sexual Offences Act, 2012;

(*xiv*) dealing with cases referred by the Board under sub-section (*2*) of section 17;

(*xv*) co-ordinate with the police, labour department and other agencies involved in the care and protection of children with support of the District Child Protection Unit or the State Government;

(*xvi*) in case of a complaint of abuse of a child in any child care institution, the Committee shall conduct an inquiry and give directions to the police or the District Child Protection Unit or labour department or childline services, as the case may be;

(xvii) accessing appropriate legal services for children;

(xviii) such other functions and responsibilities, as may be prescribed.

CHAPTER VI

Procedure in Relation to Children in Need of Care and Protection

31. *Production before Committee.*(*1*) Any child in need of care and protection may be produced before the Committee by any of the following persons, namely:—

(*i*) any police officer or special juvenile police unit or a designated Child Welfare Police Officer or any officer of District Child Protection Unit or inspector appointed under any labour law for the time being in force;

(*ii*) any public servant;

(*iii*) Childline Services or any voluntary or non-governmental organisation or any agency as may be recognised by the State Government;

(*iv*) Child Welfare Officer or probation officer;

(*v*) any social worker or a public spirited citizen;

(*vi*) by the child himself; or

(*vii*) any nurse, doctor or management of a nursing home, hospital or maternity home:

Provided that the child shall be produced before the Committee

without any loss of time but within a period of twenty-four hours excluding the time necessary for the journey.

(*2*) The State Government may make rules consistent with this Act, to provide for the manner of submitting the report to the Committee and the manner of sending and entrusting the child to children's home or fit facility or fit person, as the case may be, during the period of the inquiry.

32. *Mandatory reporting regarding a child found separated from guardian.* (*1*) Any individual or a police officer or any functionary of any organisation or a nursing home or hospital or maternity home, who or which finds and takes charge, or is handed over a child who appears or claims to be abandoned or lost, or a child who appears or claims to be an orphan without family support, shall within twenty-four hours (excluding the time necessary for the journey), give information to the Childline Services or the nearest police station or to a Child Welfare Committee or to the District Child Protection Unit, or hand over the child to a child care institution registered under this Act, as the case may be.

(*2*) The information regarding a child referred to in sub-section (*1*) shall be mandatorily uploaded on a portal as may be specified by the Central Government or the Committee or the District Child Protection Unit or the child care institution, as the case may be.

33. *Offence of non-reporting.* If information regarding a child as required under section 32 is not given within the period specified in the said section, then, such act shall be regarded as an offence.

34. *Penalty for non-reporting.* Any person who has committed an offence under section 33 shall be liable to imprisonment up to six months or fine of ten thousand rupees or both.

35. *Surrender of children.* (*1*) A parent or guardian, who for physical, emotional and social factors beyond their control, wishes to surrender a child, shall produce the child before the Committee.

(*2*) If, after prescribed process of inquiry and counselling, the Committee is satisfied, a surrender deed shall be executed by the parent or guardian, as the case may be, before the Committee.

(*3*) The parents or guardian who surrendered the child, shall be given two months time to reconsider their decision and in the intervening period the Committee shall either allow, after due inquiry, the child to be with the parents or guardian under supervision, or place the child in a Specialised Adoption Agency, if he or she is below six years of age, or a children's home if he is above six years.

36. *Inquiry.* (*1*) On production of a child or receipt of a report under section 31, the Committee shall hold an inquiry in such manner as may be prescribed and the Committee, on its own or on the report from any person or agency as specified in sub-section (*2*) of section 31, may pass an order to send the child to the children's home or a fit facility or fit person, and for speedy social investigation by a social worker or Child Welfare Officer or Child Welfare Police Officer:

Provided that all children below six years of age, who are orphan, surrendered or appear to be abandoned shall be placed in a Specialised Adoption Agency, where available.

(*2*) The social investigation shall be completed within fifteen days so as to enable the Committee to pass final order within four months of first production of the child:

Provided that for orphan, abandoned or surrendered children, the time for completion of inquiry shall be as specified in section 38.

(*3*) After the completion of the inquiry, if Committee is of the opinion that the said child has no family or ostensible support or is in continued need of care and protection, it may send the child to a Specialised Adoption Agency if the child is below six years of age, children's home or to a fit facility or person or foster family, till suitable means of rehabilitation are found for the child, as may be prescribed, or till the child attains the age of eighteen years:

Provided that the situation of the child placed in a children's home or with a fit facility or person or a foster family, shall be reviewed by the Committee, as may be prescribed.

(*4*) The Committee shall submit a quarterly report on the nature of disposal of cases and pendency of cases to the District Magistrate in the manner as may be prescribed, for review of pendency of cases.

(*5*) After review under sub-section (*4*), the District Magistrate shall direct the Committee to take necessary remedial measures to address the pendency, if necessary and send a report of such reviews to the State Government, who may cause the constitution of additional Committees, if required:

Provided that if the pendency of cases continues to be unaddressed by the Committee even after three months of receiving such directions, the State Government shall terminate the said Committee and shall constitute a new Committee.

(*6*) In anticipation of termination of the Committee and in order that

no time is lost in constituting a new Committee, the State Government shall maintain a standing panel of eligible persons to be appointed as members of the Committee.

(*7*) In case of any delay in the constitution of a new Committee under sub-section (*5*), the Child Welfare Committee of a nearby district shall assume responsibility in the intervening period.

37. *Orders passed regarding a child in need of care and protection.* (*1*) The Committee on being satisfied through the inquiry that the child before the Committee is a child in need of care and protection, may, on consideration of Social Investigation Report submitted by Child Welfare Officer and taking into account the child's wishes in case the child is sufficiently mature to take a view, pass one or more of the following orders, namely:—

(*a*) declaration that a child is in need of care and protection;

(*b*) restoration of the child to parents or guardian or family with or without supervision of Child Welfare Officer or designated social worker;

(*c*) placement of the child in Children's Home or fit facility or Specialised Adoption Agency for the purpose of adoption for long term or temporary care, keeping in mind the capacity of the institution for housing such children, either after reaching the conclusion that the family of the child cannot be traced or even if traced, restoration of the child to the family is not in the best interest of the child;

(*d*) placement of the child with fit person for long term or temporary care;

(*e*) foster care orders under section 44;

(*f*) sponsorship orders under section 45;

(*g*) directions to persons or institutions or facilities in whose care the child is placed, regarding care, protection and rehabilitation of the child, including directions relating to immediate shelter and services such as medical attention, psychiatric and psychological support including need-based counselling, occupational therapy or behaviour modification therapy, skill training, legal aid, educational services, and other developmental activities, as required, as well as follow-up and coordination with the District Child Protection Unit or State Government and other agencies;

(*h*) declaration that the child is legally free for adoption under section 38.

(*2*) The Committee may also pass orders for —

(*i*) declaration of fit persons for foster care;

(*ii*) getting after care support under section 46 of the Act; or

(*iii*) any other order related to any other function as may be prescribed.

38. *Procedure for declaring a child legally free for adoption.* (*1*) In case of orphan and abandoned child, the Committee shall make all efforts for tracing the parents or guardians of the child and on completion of such inquiry, if it is established that the child is either an orphan having no one to take care, or abandoned, the Committee shall declare the child legally free for adoption:

Provided that such declaration shall be made within a period of two months from the date of production of the child, for children who are up to two years of age and within four months for children above two years of age:

Provided further that notwithstanding anything contained in this regard in any other law for the time being in force, no first information report shall be registered against any biological parent in the process of inquiry relating to an abandoned or surrendered child under this Act.

(2) In case of surrendered child, the institution where the child has been placed by the Committee on an application for surrender, shall bring the case before the Committee immediately on completion of the period specified in section 35, for declaring the child legally free for adoption.

(*3*) Notwithstanding anything contained in any other law for the time being in force, a child of a mentally retarded parents or a unwanted child of victim of sexual assault, such child may be declared free for adoption by the Committee, by following the procedure under this Act.

(*4*) The decision to declare an orphan, abandoned or surrendered child as legally free for adoption shall be taken by at least three members of the Committee.

(5) The Committee shall inform the State Agency and the Authority regarding the number of children declared as legally free for adoption and number of cases pending for decision in the manner as may be prescribed, every month.

CHAPTER VII

REHABILITATION AND SOCIAL RE-INTEGRATION

39. *Process of rehabilitation and social re-integration.* (*1*) The process of rehabilitation and social integration of children under this Act shall be undertaken, based on the individual care plan of the child, preferably through family based care such as by restoration to family or guardian with or without supervision or sponsorship, or adoption or foster care:

Provided that all efforts shall be made to keep siblings placed in institutional or non-institutional care, together, unless it is in their best interest not to be kept together.

(*2*) For children in conflict with law the process of rehabilitation and social integration shall be undertaken in the observation homes, if the child is not released on bail or in special homes or place of safety or fit facility or with a fit person, if placed there by the order of the Board.

(*3*) The children in need of care and protection who are not placed in families for any reason may be placed in an institution registered for such children under this Act or with a fit person or a fit facility, on a temporary or long-term basis, and the process of rehabilitation and social integration shall be undertaken wherever the child is so placed.

(4) The Children in need of care and protection who are leaving institutional care or children in conflict with law leaving special homes or place of safety on attaining eighteen years of age, may be provided financial support as specified in section 46, to help them to re-integrate into the mainstream of the society.

40. *Restoration of child in need of care and protection.* (*1*) The restoration and protection of a child shall be the prime objective of any Children's Home, Specialised Adoption Agency or open shelter.

(2) The Children's Home, Specialised Adoption Agency or an open shelter, as the case may be, shall take such steps as are considered necessary for the restoration and protection of a child deprived of his family environment temporarily or permanently where such child is under their care and protection.

(3) The Committee shall have the powers to restore any child in need of care and protection to his parents, guardian or fit person, as the case may be, after determining the suitability of the parents or guardian or fit person to take care of the child, and give them suitable directions.

Explanation.—For the purposes of this section, "restoration and protection of a child" means restoration to—

(*a*) parents;

(*b*) adoptive parents;

(*c*) foster parents;

(*d*) guardian; or

(*e*) fit person.

41. *Registration of child care institutions.* (*1*) Notwithstanding anything contained in any other law for the time being in force, all institutions, whether run by a State Government or by voluntary or non-governmental organisations, which are meant, either wholly or partially, for housing children in need of care and protection or children in conflict with law, shall, be registered under this Act in such manner as may be prescribed, within a period of six months from the date of commencement of this Act, regardless of whether they are receiving grants from the Central Government or, as the case may be, the State Government or not:

Provided that the institutions having valid registration under the Juvenile Justice (Care and Protection of Children) Act, 2000 on the date of commencement of this Act shall be deemed to have been registered under this Act.

(*2*) At the time of registration under this section, the State Government shall determine and record the capacity and purpose of the institution and shall register the institution as a Children's Home or open shelter or Specialised Adoption Agency or observation home or special home or place of safety, as the case may be.

(*3*) On receipt of application for registration under sub-section (*1*), from an existing or new institution housing children in need of care and protection of children in conflict with law, the State Government may grant provisional registration, within one month from the date of receipt of application, for a maximum period of six months, in order to bring such institution under the purview of this Act, and shall determine the capacity of the Home which shall be mentioned in the registration certificate:

Provided that if the said institution does not fulfill the prescribed criteria for registration, within the period specified in sub-section (*1*), the provisional registration shall stand cancelled and the provisions of sub-section (*5*) shall apply.

(*4*) If the State Government does not issue a provisional registration certificate within one month from the date of application, the proof of receipt of application for registration shall be treated as provisional registration to run an institution for a maximum period of six months.

(*5*) If the application for registration is not disposed of within six months by any officer or officers of any State Government, it shall be regarded as dereliction of duty on their part by their higher controlling authority and appropriate departmental proceedings shall be initiated.

(*6*) The period of registration of an institution shall be five years, and it shall be subject to renewal in every five years.

(*7*) The State Government may, after following the procedure as may be prescribed, cancel or withhold registration, as the case may be, of such institutions which fail to provide rehabilitation and reintegration services as specified in section 53 and till such time that the registration of an institution is renewed or granted, the State Government shall manage the institution.

(*8*) Any child care institution registered under this section shall be duty bound to admit children, subject to the capacity of the institution, as directed by the Committee, whether they are receiving grants from the Central Government or, as the case may be, the State Government or not.

(*9*) Notwithstanding anything contained in any other law for the time being in force, the inspection committee appointed under section 54, shall have the powers to inspect any institution housing children, even if not registered under this Act to determine whether such institution is housing children in need of care and protection.

42. *Penalty for non-registration of child care institutions.* Any person, or persons, in-charge of an institution housing children in need of care and protection and children in conflict with law, who fails to comply with the provisions of sub-section (*1*) of section 41, shall be punished with imprisonment which may extend to one year or a fine of not less than one lakh rupees or both:

Provided that every thirty days delay in applying for registration shall be considered as a separate offence.

43. *Open shelter.* (*1*) The State Government may establish and maintain, by itself or through voluntary or non-governmental organisations, as many open shelters as may be required, and such open shelters shall be registered as such, in the manner as may be prescribed.

(*2*) The open shelters referred to in sub-section (*1*) shall function as a community based facility for children in need of residential support, on short term basis, with the objective of protecting them from abuse or weaning them, or keeping them, away from a life on the streets.

(*3*) The open shelters shall send every month information, in the manner as may be prescribed, regarding children availing the services of the shelter, to the District Child Protection Unit and the Committee.

44. *Foster care.* (*1*) The children in need of care and protection may be placed in foster care, including group foster care for their care and protection through orders of the Committee, after following the procedure as may be prescribed in this regard, in a family which does not include the child's biological or adoptive parents or in an unrelated family recognised as suitable for the purpose by the State Government, for a short or extended period of time.

(*2*) The selection of the foster family shall be based on family's ability, intent, capacity and prior experience of taking care of children.

(*3*) All efforts shall be made to keep siblings together in foster families, unless it is in their best interest not to be kept together.

(*4*) The State Government, after taking into account the number of children, shall provide monthly funding for such foster care through District Child Protection Unit after following the procedure, as may be prescribed, for inspection to ensure well being of the children.

(*5*) In cases where children have been placed in foster care for the reason that their parents have been found to be unfit or incapacitated by the Committee, the child's parents may visit the child in the foster family at regular intervals, unless the Committee feels that such visits are not in the best interest of the child, for reasons to be recorded therefor; and eventually, the child may return to the parent's homes once the parents are determined by the Committee to be fit to take care of the child.

(*6*) The foster family shall be responsible for providing education, health and nutrition to the child and shall ensure the overall well being of the child in such manner, as may be prescribed.

(*7*) The State Government may make rules for the purpose of defining the procedure, criteria and the manner in which foster care services shall be provided for children.

(*8*) The inspection of foster families shall be conducted every month by the Committee in the form as may be prescribed to check the well-being of the child and whenever a foster family is found lacking in taking care of the child, the child shall be removed from that foster family and shifted to another foster family as the Committee may deem fit.

(*9*) No child regarded as adoptable by the Committee shall be given for long-term foster care.

45. *Sponsorship.* (*1*) The State Government shall make rules for the purpose of undertaking various programmes of sponsorship of children, such as individual to individual sponsorship, group sponsorship or community sponsorship.

(*2*) The criteria for sponsorship shall include,—

(*i*) where mother is a widow or divorced or abandoned by family;

(*ii*) where children are orphan and are living with the extended family;

(*iii*) where parents are victims of life threatening disease;

(iv) where parents are incapacitated due to accident and unable to take care of children both financially and physically.

(*3*) The duration of sponsorship shall be such as may be prescribed.

(*4*) The sponsorship programme may provide supplementary support to families, to Children's Homes and to special homes to meet medical, nutritional, educational and other needs of the children, with a view to improving their quality of life.

46. *After care of children leaving child care institution.* Any child leaving a child care institution on completion of eighteen years of age may be provided with financial support in order to facilitate child's re-integration into the mainstream of the society in the manner as may be prescribed.

47. *Observation homes.* (*1*) The State Government shall establish and maintain in every district or a group of districts, either by itself, or through voluntary or non-governmental organisations, observation homes, which shall be registered under section 41 of this Act, for temporary reception, care and rehabilitation of any child alleged to be in conflict with law, during the pendency of any inquiry under this Act.

(*2*) Where the State Government is of the opinion that any registered institution other than a home established or maintained under sub-section (*1*), is fit for the temporary reception of such child alleged to be in conflict with law during the pendency of any inquiry under this Act, it may register such institution as an observation home for the purposes of this Act.

(*3*) The State Government may, by rules made under this Act, provide for the management and monitoring of observation homes,

including the standards and various types of services to be provided by them for rehabilitation and social integration of a child alleged to be in conflict with law and the circumstances under which, and the manner in which, the registration of an observation home may be granted or withdrawn.

(*4*) Every child alleged to be in conflict with law who is not placed under the charge of parent or guardian and is sent to an observation home shall be segregated according to the child's age and gender, after giving due consideration to physical and mental status of the child and degree of the offence committed.

48. *Special homes.* (*1*) The State Government may establish and maintain either by itself or through voluntary or non-governmental organisations, special homes, which shall be registered as such, in the manner as may be prescribed, in every district or a group of districts, as may be required for rehabilitation of those children in conflict with law who are found to have committed an offence and who are placed there by an order of the Juvenile Justice Board made under section 18.

(*2*) The State Government may, by rules, provide for the management and monitoring of special homes, including the standards and various types of services to be provided by them which are necessary for social re-integration of a child, and the circumstances under which, and the manner in which, the registration of a special home may be granted or withdrawn.

(*3*) The rules made under sub-section (*2*) may also provide for the segregation and separation of children found to be in conflict with law on the basis of age, gender, the nature of offence committed by them and the child's mental and physical status.

49. *Place of safety.* (*1*) The State Government shall set up atleast one place of safety in a State registered under section 41, so as to place a person above the age of eighteen years or child in conflict with law, who is between the age of sixteen to eighteen years and is accused of or convicted for committing a heinous offence.

(*2*) Every place of safety shall have separate arrangement and facilities for stay of such children or persons during the process of inquiry and children or persons convicted of committing an offence.

(*3*) The State Government may, by rules, prescribe the types of places that can be designated as place of safety under sub-section (*1*) and the facilities and services that may be provided therein.

50. *Children's Home.* (*1*) The State Government may establish and maintain, in every district or group of districts, either by itself or through voluntary or non-governmental organisations, Children's Homes, which shall be registered as such, for the placement of children in need of care and protection for their care, treatment, education, training, development and rehabilitation.

(*2*) The State Government shall designate any Children's Home as a home fit for children with special needs delivering specialised services, depending on requirement.

(*3*) The State Government may, by rules, provide for the monitoring and management of Children's Homes including the standards and the nature of services to be provided by them, based on individual care plans for each child.

51. *Fit facility.* (*1*) The Board or the Committee shall recognise a facility being run by a Governmental organisation or a voluntary or non-governmental organisation registered under any law for the time being in force to be fit to temporarily take the responsibility of a child for a specific purpose after due inquiry regarding the suitability of the facility and the organisation to take care of the child in such manner as may be prescribed.

(*2*) The Board or the Committee may withdraw the recognition under sub-section (*1*) for reasons to be recorded in writing.

52. *Fit person.* (*1*) The Board or the Committee shall, after due verification of credentials, recognise any person fit to temporarily receive a child for care, protection and treatment of such child for a specified period and in the manner as may be prescribed.

(*2*) The Board or Committee, as the case may be, may withdraw the recognition granted under sub-section (*1*) for reasons to be recorded in writing.

53. *Rehabilitation and re-integration services in institutions registered under this Act and management thereof.* (*1*) The services that shall be provided, by the institutions registered under this Act in the process of rehabilitation and re-integration of children, shall be in such manner as may be prescribed, which may include—

(*i*) basic requirements such as food, shelter, clothing and medical attention as per the prescribed standards;

(*ii*) equipment such as wheel-chairs, prosthetic devices, hearing aids, braille kits, or any other suitable aids and appliances as required, for children with special needs;

(*iii)* appropriate education, including supplementary education, special education, and appropriate education for children with special needs:

Provided that for children between the age of six to fourteen years, the provisions of the Right of Children to Free and Compulsory Education Act, 2009 shall apply;

(*iv*) skill development;

(*v*) occupational therapy and life skill education;

(*vi*) mental health interventions, including counselling specific to the need of the child;

(*vii*) recreational activities including sports and cultural activities;

(*viii*) legal aid where required;

(*ix*) referral services for education, vocational training, de-addiction, treatment of diseases where required;

(*x*) case management including preparation and follow up of individual care plan;

(*xi*) birth registration;

(*xii*) assistance for obtaining the proof of identity, where required; and

(*xiii*) any other service that may reasonably be provided in order to ensure the well-being of the child, either directly by the State Government, registered or fit individuals or institutions or through referral services.

(*2*) Every institution shall have a Management Committee, to be set up in a manner as may be prescribed, to manage the institution and monitor the progress of every child.

(*3*) The officer in-charge of every institution, housing children above six years of age, shall facilitate setting up of children's committees for participating in such activities as may be prescribed, for the safety and well-being of children in the institution.

54. *Inspection of institutions registered under this Act*. (*1*) The State Government shall appoint inspection committees for the State and district, as the case may be, for all institutions registered or recognised to be fit under this Act for such period and for such purposes, as may be prescribed.

(*2*) Such inspection committees shall mandatorily conduct visits to all facilities housing children in the area allocated, at least once in three months in a team of not less than three members, of whom at least one shall be a woman and one shall be a medical officer, and submit reports

of the findings of such visits within a week of their visit, to the District Child Protection Units or State Government, as the case may be, for further action.

(*3*) On the submission of the report by the inspection committee within a week of the inspection, appropriate action shall be taken within a month by the District Child Protection Unit or the State Government and a compliance report shall be submitted to the State Government.

55. *Evaluation of functioning of structures.* (*1*) The Central Government or State Government may independently evaluate the functioning of the Board, Committee, special juvenile police units, registered institutions, or recognised fit facilities and persons, at such period and through such persons or institutions as may be prescribed by that Government.

(*2*) In case such independent evaluation is conducted by both the Governments, the evaluation made by the Central Government shall prevail.

CHAPTER VIII

ADOPTION

56. *Adoption.* (*1*) Adoption shall be resorted to for ensuring right to family for the orphan, abandoned and surrendered children, as per the provisions of this Act, the rules made thereunder and the adoption regulations framed by the Authority.

(*2*) Adoption of a child from a relative by another relative, irrespective of their religion, can be made as per the provisions of this Act and the adoption regulations framed by the Authority.

(*3*) Nothing in this Act shall apply to the adoption of children made under the provisions of the Hindu Adoption and Maintenance Act, 1956.

(*4*) All inter-country adoptions shall be done only as per the provisions of this Act and the adoption regulations framed by the Authority.

(*5*) Any person, who takes or sends a child to a foreign country or takes part in any arrangement for transferring the care and custody of a child to another person in a foreign country without a valid order from the Court, shall be punishable as per the provisions of section 80.

57. *Eligibility of prospective adoptive parents.* (*1*) The prospective adoptive parents shall be physically fit, financially sound, mentally alert and highly motivated to adopt a child for providing a good upbringing to him.

(*2*) In case of a couple, the consent of both the spouses for the adoption shall be required.

(*3*) A single or divorced person can also adopt, subject to fulfilment of the criteria and in accordance with the provisions of adoption regulations framed by the Authority.

(*4*) A single male is not eligible to adopt a girl child.

(*5*) Any other criteria that may be specified in the adoption regulations framed by the Authority.

58. *Procedure for adoption by Indian prospective adoptive parents living in India.* (*1*) Indian prospective adoptive parents living in India, irrespective of their religion, if interested to adopt an orphan or abandoned or surrendered child, may apply for the same to a Specialised Adoption Agency, in the manner as provided in the adoption regulations framed by the Authority.

(*2*) The Specialised Adoption Agency shall prepare the home study report of the prospective adoptive parents and upon finding them eligible, will refer a child declared legally free for adoption to them along with the child study report and medical report of the child, in the manner as provided in the adoption regulations framed by the Authority.

(*3*) On the receipt of the acceptance of the child from the prospective adoptive parents along with the child study report and medical report of the child signed by such parents, the Specialised Adoption Agency shall give the child in pre-adoption foster care and file an application in the court for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority.

(*4*) On the receipt of a certified copy of the court order, the Specialised Adoption Agency shall send immediately the same to the prospective adoptive parents.

(*5*) The progress and well-being of the child in the adoptive family shall be followed up and ascertained in the manner as provided in the adoption regulations framed by the Authority.

59. *Procedure for inter-country adoption of an orphan or abandoned or surrendered child*. (*1*) If an orphan or abandoned or surrendered child could not be placed with an Indian or non-resident Indian prospective adoptive parent despite the joint effort of the Specialised Adoption Agency and State Agency within sixty days from the date the child has been declared legally free for adoption, such child shall be free for inter-country adoption:

Provided that children with physical and mental disability, siblings and children above five years of age may be given preference over other children for such inter-country adoption, in accordance with the adoption regulations, as may be framed by the Authority.

(*2*) An eligible non-resident Indian or overseas citizen of India or persons of Indian origin shall be given priority in inter-country adoption of Indian children.

(*3*) A non-resident Indian or overseas citizen of India, or person of Indian origin or a foreigner, who are prospective adoptive parents living abroad, irrespective of their religion, if interested to adopt an orphan or abandoned or surrendered child from India, may apply for the same to an authorised foreign adoption agency, or Central Authority or a concerned Government department in their country of habitual residence, as the case may be, in the manner as provided in the adoption regulations framed by the Authority.

(*4*) The authorised foreign adoption agency, or Central Authority, or a concerned Government department, as the case may be, shall prepare the home study report of such prospective adoptive parents and upon finding them eligible, will sponsor their application to Authority for adoption of a child from India, in the manner as provided in the adoption regulations framed by the Authority.

(*5*) On the receipt of the application of such prospective adoptive parents, the Authority shall examine and if it finds the applicants suitable, then, it will refer the application to one of the Specialised Adoption Agencies, where children legally free for adoption are available.

(*6*) The Specialised Adoption Agency will match a child with such prospective adoptive parents and send the child study report and medical report of the child to such parents, who in turn may accept the child and return the child study and medical report duly signed by them to the said agency.

(*7*) On receipt of the acceptance of the child from the prospective adoptive parents, the Specialised Adoption Agency shall file an application in the court for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority.

(*8*) On the receipt of a certified copy of the court order, the specialised adoption agency shall send immediately the same to Authority, State Agency and to the prospective adoptive parents, and obtain a passport for the child.

(*9*) The Authority shall intimate about the adoption to the immigration authorities of India and the receiving country of the child.

(*10*) The prospective adoptive parents shall receive the child in person from the specialised adoption agency as soon as the passport and visa are issued to the child.

(*11*) The authorised foreign adoption agency, or Central Authority, or the concerned Government department, as the case may be, shall ensure the submission of progress reports about the child in the adoptive family and will be responsible for making alternative arrangement in the case of any disruption, in consultation with Authority and concerned Indian diplomatic mission, in the manner as provided in the adoption regulations framed by the Authority.

(*12*) A foreigner or a person of Indian origin or an overseas citizen of India, who has habitual residence in India, if interested to adopt a child from India, may apply to Authority for the same along with a no objection certificate from the diplomatic mission of his country in India, for further necessary actions as provided in the adoption regulations framed by the Authority.

60. *Procedure for inter-country relative adoption.* (*1*) A relative living abroad, who intends to adopt a child from his relative in India shall obtain an order from the court and apply for no objection certificate from Authority, in the manner as provided in the adoption regulations framed by the Authority.

(*2*) The Authority shall on receipt of the order under sub-section (*1*) and the application from either the biological parents or from the adoptive parents, issue no objection certificate under intimation to the immigration authority of India and of the receiving country of the child.

(*3*) The adoptive parents shall, after receiving no objection certificate under sub-section (*2*), receive the child from the biological parents and shall facilitate the contact of the adopted child with his siblings and biological parents from time to time.

61. *Court procedure and penalty against payment in consideration of adoption.* (*1*) Before issuing an adoption order, the court shall satisfy itself that —

(*a*) the adoption is for the welfare of the child; (*b*) due consideration is given to the wishes of the child having regard to the age and understanding of the child; and (*c*) that neither the prospective adoptive parents has given or agreed to give nor the specialised adoption agency or the parent or guardian of the child in case

of relative adoption has received or agreed to receive any payment or reward in consideration of the adoption, except as permitted under the adoption regulations framed by the Authority towards the adoption fees or service charge or child care corpus.

(*2*) The adoption proceedings shall be held *in camera* and the case shall be disposed of by the court within a period of two months from the date of filing.

62. *Additional procedural requirements and documentation.* (*1*) The documentation and other procedural requirements, not expressly provided in this Act with regard to the adoption of an orphan, abandoned and surrendered child by Indian prospective adoptive parents living in India, or by non-resident Indian or overseas citizen of India or person of Indian origin or foreigner prospective adoptive parents, shall be as per the adoption regulations framed by the Authority.

(*2*) The specialised adoption agency shall ensure that the adoption case of prospective adoptive parents is disposed of within four months from the date of receipt of application and the authorised foreign adoption agency, Authority and State Agency shall track the progress of the adoption case and intervene wherever necessary, so as to ensure that the time line is adhered to.

63. *Effect of adoption.* A child in respect of whom an adoption order is issued by the court, shall become the child of the adoptive parents, and the adoptive parents shall become the parents of the child as if the child had been born to the adoptive parents, for all purposes, including intestacy, with effect from the date on which the adoption order takes effect, and on and from such date all the ties of the child in the family of his or her birth shall stand severed and replaced by those created by the adoption order in the adoptive family:

Provided that any property which has vested in the adopted child immediately before the date on which the adoption order takes effect shall continue to vest in the adopted child subject to the obligations, if any, attached to the ownership of such property including the obligations, if any, to maintain the relatives in the biological family.

64. *Reporting of adoption.* Notwithstanding anything contained in any other law for the time being in force, information regarding all adoption orders issued by the concerned courts, shall be forwarded to Authority on monthly basis in the manner as provided in the adoption regulations framed by the Authority, so as to enable Authority to maintain the data on adoption.

65. *Specialised Adoption Agencies.* (*1*) The State Government shall recognise one or more institutions or organisations in each district as a Specialised Adoption Agency, in such manner as may be provided in the adoption regulations framed by the Authority, for the rehabilitation of orphan, abandoned or surrendered children, through adoption and non-institutional care.

(*2*) The State Agency shall furnish the name, address and contact details of the Specialised Adoption Agencies along with copies of certificate or letter of recognition or renewal to Authority, as soon as the recognition or renewal is granted to such agencies.

(*3*) The State Government shall get every Specialised Adoption Agency inspected at least once in a year and take necessary remedial measures, if required.

(*4*) In case any Specialised Adoption Agency is in default in taking necessary steps on its part as provided in this Act or in the adoption regulations framed by the Authority, for getting an orphan or abandoned or surrendered child legally free for adoption from the Committee or in completing the home study report of the prospective adoptive parents or in obtaining adoption order from the court within the stipulated time, such Specialised Adoption Agency shall be punishable with a fine which may extend up to fifty thousand rupees and in case of repeated default, the recognition of the Specialised Adoption Agency shall be withdrawn by the State Government.

66. *Adoption of children residing in institutions not registered as adoption agencies.* (*1*) All the institutions registered under this Act, which may not have been recognised as Specialised Adoption Agencies, shall also ensure that all orphan or abandoned or surrendered children under their care are reported, produced and declared legally free for adoption, by the Committee as per the provisions of section 38.

(*2*) All institutions referred to in sub-section (*1*) shall develop formal linkages with nearby Specialised Adoption Agency and shall furnish details of the children declared legally free for adoption to that Specialised Adoption Agency along with all relevant records in the manner as may be prescribed, for the placement of such children in adoption.

(*3*) If any such institution contravenes the provisions of sub-section (*1*) or sub-section (*2*), it shall be liable to fine of fifty thousand rupees for each instance to be imposed by the registering authority and it may also attract de-recognition in the event of persistent flouting of such provisions.

67. *State Adoption Resource Agency.* (*1*) The State Government shall set up a State Adoption Resource Agency for dealing with adoptions and related matters in the State under the guidance of Authority.

(*2*) The State Agency, wherever already exists, shall be deemed to be set up under this Act.

68. *Central Adoption Resource Authority.* The Central Adoption Resource Agency existing before the commencement of this Act, shall be deemed to have been constituted as the Central Adoption Resource Authority under this Act to perform the following functions, namely:—

(*a*) to promote in-country adoptions and to facilitate inter-State adoptions in co-ordination with State Agency;

(*b*) to regulate inter-country adoptions;

(*c*) to frame regulations on adoption and related matters from time to time as may be necessary;

(*d*) to carry out the functions of the Central Authority under the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption;

(*e*) any other function as may be prescribed.

69. *Steering Committee of Authority*. (*1*) The Authority shall have a Steering Committee with following members :

(*a*) Secretary, Ministry of Women and Child Development, Government of India, who shall be the Chairperson—*ex officio*;

(*b*) Joint Secretary, Ministry of Women and Child Development, Government of India, dealing with Authority—*ex officio*;

(*c*) Joint Secretary, Ministry of Women and Child Development, Government of India, dealing with Finance—*ex officio*;

(*d*) one State Adoption Resource Agency and two Specialised Adoption Agencies;

(*e*) one adoptive parent and one adoptee;

(*f*) one advocate or a professor having at least ten years of experience in family law;

(*g*) Member-Secretary, who shall also be Chief Executive Officer of the organisation.

(*2*) Criteria for the selection or nomination of the Members mentioned at (*d*) to (*f*), their tenure as well as the terms and conditions of their appointment shall be such as may be prescribed.

(*3*) The Steering Committee shall have the following functions, namely:—

(*a*) to oversee the functioning of Authority and review its working from time to time so that it operates in most effective manner;

(*b*) to approve the annual budget, annual accounts and audit reports as well as the action plan and annual report of Authority;

(*c*) to adopt the recruitment rules, service rules, financial rules of Authority as well as the other regulations for the exercise of the administrative and programmatic powers within the organisation, with the prior approval of the Central Government;

(*d*) any other function that may be vested with it by the Central Government from time to time.

(*4*) The Steering Committee shall meet once in a month in the manner as may be prescribed.

(*5*) The Authority shall function from its headquarter and through its regional offices as may be set up as per its functional necessity.

70. *Powers of Authority.* (*1*) For the efficient performance of its functions, Authority shall have the following powers, namely:—

(*a*) to issue instructions to any Specialised Adoption Agency or a Children Home or any child care institution housing any orphan, abandoned or surrendered child, any State Agency or any authorised foreign adoption agency and such directions shall be complied by such agencies;

(*b*) recommending to the concerned Government or Authority to take appropriate action against any official or functionary or institution under its administrative control, in case of persistent non-compliance of the instructions issued by it;

(*c*) forwarding any case of persistent non-compliance of its instructions by any official or functionary or institution to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the same as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973;

(*d*) any other power that may be vested with it by the Central Government.

(*2*) In case of any difference of opinion in an adoption case, including the eligibility of prospective adoptive parents or of a child to be adopted, the decision of Authority shall prevail.

71. *Annual Report of Authority*. (*1*) The Authority shall submit an annual report to the Central Government in such manner as may be prescribed.

(*2*) The Central Government shall cause the annual report of Authority to be laid before each House of Parliament.

72. *Grants by Central Government.* (*1*) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Authority by way of grants such sums of money as the Central Government may think fit for being utilised for performing the functions of Authority under this Act.

(*2*) The Authority may spend such sums of money as it thinks fit for performing the functions, as prescribed under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (*1*).

73. *Accounts and audit Authority.* (*1*) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

(*3*) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall, have the same rights and privileges and the Authority in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of Authority.

(*4*) The accounts of the Authority as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Authority.

(*5*) The Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER IX

OTHER OFFENCES AGAINST CHILDREN

74. *Prohibition on disclosure of identity of children*. (*1*) No report in any newspaper, magazine, news-sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child in conflict with law or a child in need of care and protection or a child victim or witness of a crime, involved in such matter, under any other law for the time being in force, nor shall the picture of any such child be published:

Provided that for reasons to be recorded in writing, the Board or Committee, as the case may be, holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the best interest of the child.

(*2*) The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or disposed of.

(*3*) Any person contravening the provisions of sub-section (*1*) shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to two lakh rupees or both.

75. *Punishment for cruelty to child*. Whoever, having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or wilfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering, shall be punishable with imprisonment for a term which may extend to three years or with fine of one lakh rupees or with both:

Provided that in case it is found that such abandonment of the child by the biological parents is due to circumstances beyond their control, it shall be presumed that such abandonment is not wilful and the penal provisions of this section shall not apply in such cases:

Provided further that if such offence is committed by any person employed by or managing an organisation, which is entrusted with the care and protection of the child, he shall be punished with rigorous imprisonment which may extend up to five years, and fine which may extend up to five lakhs rupees:

Provided also that on account of the aforesaid cruelty, if the child is physically incapacitated or develops a mental illness or is rendered

mentally unfit to perform regular tasks or has risk to life or limb, such person shall be punishable with rigorous imprisonment, not less than three years but which may be extended up to ten years and shall also be liable to fine of five lakhs rupees.

76. *Employment of child for begging.* (*1*) Whoever employs or uses any child for the purpose of begging or causes any child to beg shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees:

Provided that, if for the purpose of begging, the person amputates or maims the child, he shall be punishable with rigorous imprisonment for a term not less than seven years which may extend up to ten years, and shall also be liable to fine of five lakh rupees.

(*2*) Whoever, having the actual charge of, or control over the child, abets the commission of an offence under sub-section (*1*), shall be punishable with the same punishment as provided for in sub-section (*1*) and such person shall be considered to be unfit under sub-clause (*v*) of clause (*14*) of section 2:

Provided that the said child, shall not be considered a child in conflict with law under any circumstances, and shall be removed from the charge or control of such guardian or custodian and produced before the Committee for appropriate rehabilitation.

77. *Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to a child.* Whoever gives, or causes to be given, to any child any intoxicating liquor or any narcotic drug or tobacco products or psychotropic substance, except on the order of a duly qualified medical practitioner, shall be punishable with rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine which may extend up to one lakh rupees.

78. *Using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance.* Whoever uses a child, for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance, shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine up to one lakh rupees.

79. *Exploitation of a child employee.* Notwithstanding anything contained in any law for the time being in force, whoever ostensibly engages a child and keeps him in bondage for the purpose of employment or withholds his earnings or uses such earning for his own purposes shall be punishable with rigorous imprisonment for a term which may

extend to five years and shall also be liable to fine of one lakh rupees.

Explanation.— For the purposes of this section, the term "employment" shall also include selling goods and services, and entertainment in public places for economic gain.

80. *Punitive measures for adoption without following prescribed procedures.* If any person or organisation offers or gives or receives, any orphan, abandoned or surrendered child, for the purpose of adoption without following the provisions or procedures as provided in this Act, such person or organisation shall be punishable with imprisonment of either description for a term which may extend up to three years, or with fine of one lakh rupees, or with both:

Provided in case where the offence is committed by a recognised adoption agency, in addition to the above punishment awarded to the persons in-charge of, and responsible for the conduct of the day-to-day affairs of the adoption agency, the registration of such agency under section 41 and its recognition under section 65 shall also be withdrawn for a minimum period of one year.

81. *Sale and procurement of children for any purpose.* Any person who sells or buys a child for any purpose shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees:

Provided that where such offence is committed by a person having actual charge of the child, including employees of a hospital or nursing home or maternity home, the term of imprisonment shall not be less than three years and may extend up to seven years.

82. *Corporal punishment.* (*1*) Any person in-charge of or employed in a child care institution, who subjects a child to corporal punishment with the aim of disciplining the child, shall be liable, on the first conviction, to a fine of ten thousand rupees and for every subsequent offence, shall be liable for imprisonment which may extend to three months or fine or with both.

(*2*) If a person employed in an institution referred to in sub-section (*1*), is convicted of an offence under that sub-section, such person shall also be liable for dismissal from service, and shall also be debarred from working directly with children thereafter.

(*3*) In case, where any corporal punishment is reported in an institution referred to in sub-section (*1*) and the management of such institution does not cooperate with any inquiry or comply with the orders of the Committee or the Board or court or State Government, the person

in-charge of the management of the institution shall be liable for punishment with imprisonment for a term not less than three years and shall also be liable to fine which may extend to one lakh rupees.

83. *Use of child by militant groups or other adults.* (*1*) Any non-State, self-styled militant group or outfit declared as such by the Central Government, if recruits or uses any child for any purpose, shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to fine of five lakh rupees.

(*2*) Any adult or an adult group uses children for illegal activities either individually or as a gang shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to fine of five lakh rupees.

84. *Kidnapping and abduction of child.* For the purposes of this Act, the provisions of sections 359 to 369 of the Indian Penal Code, shall *mutatis mutandis* apply to a child or a minor who is under the age of eighteen years and all the provisions shall be construed accordingly.

85. *Offences committed on disabled children.* Whoever commits any of the offences referred to in this Chapter on any child who is disabled as so certified by a medical practitioner, then, such person shall be liable to twice the penalty provided for such offence.

Explanation.—For the purposes of this Act, the term "disability" shall have the same meaning as assigned to it under clause (*i*) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

86. *Classification of offences and designated court.* (*1*) Where an offence under this Act is punishable with imprisonment for a term more than seven years, then, such offence shall be cognizable, non-bailable and triable by a Children's Court.

(2) Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then, such offence shall be cognizable, non-bailable and triable by a Magistrate of First Class.

(3) Where an offence, under this Act, is punishable with imprisonment for less than three years or with fine only, then, such offence shall be non-cognizable, bailable and triable by any Magistrate.

87. *Abetment.* Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with the punishment provided for that offence.

Explanation.—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment.

88. *Alternative punishment.* Where an act or omission constitutes an offence punishable under this Act and also under any other law for the time being in force, then, notwithstanding anything contained in any such law, the offender found guilty of such offence shall be liable for punishment under such law which provides for punishment which is greater in degree.

89. *Offence committed by child under this Chapter.* Any child who commits any offence under this Chapter shall be considered as a child in conflict with law under this Act.

CHAPTER X

MISCELLANEOUS

90. *Attendance of parent or guardian of child.* The Committee or the Board, as the case may be, before which a child is brought under any of the provisions of this Act, may, whenever it so thinks fit, require any parent or guardian having the actual charge of the child to be present at any proceeding in respect of that child.

91. *Dispensing with attendance of child.* (*1*) If, at any stage during the course of an inquiry, the Committee or the Board is satisfied that the attendance of the child is not essential for the purpose of inquiry, the Committee or the Board, as the case may be, shall dispense with the attendance of a child and limit the same for the purpose of recording the statement and subsequently, the inquiry shall continue even in the absence of the child concerned, unless ordered otherwise by the Committee or the Board.

(*2*) Where the attendance of a child is required before the Board or the Committee, such child shall be entitled to travel reimbursement for self and one escort accompanying the child as per actual expenditure incurred, by the Board, or the Committee or the District Child Protection Unit, as the case may be.

92. *Placement of a child suffering from disease requiring prolonged medical treatment in an approved place.* When a child, who has been brought before the Committee or the Board, is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment, the Committee or the Board,

as the case may be, may send the child to any place recognised as a fit facility as prescribed for such period as it may think necessary for the required treatment.

93. *Transfer of a child who is mentally ill or addicted to alcohol or other drugs.* (*1*) Where it appears to the Committee or the Board that any child kept in a special home or an observation home or a Children's Home or in an institution in pursuance of the provisions of this Act, is a mentally ill person or addicted to alcohol or other drugs which lead to behavioural changes in a person, the Committee or the Board, may order removal of such child to a psychiatric hospital or psychiatric nursing home in accordance with the provisions of the Mental Health Act, 1987 or the rules made thereunder.

(*2*) In case the child had been removed to a psychiatric hospital or psychiatric nursing home under sub-section (*1*), the Committee or the Board may, on the basis of the advice given in the certificate of discharge of the psychiatric hospital or psychiatric nursing home, order to remove such child to an Integrated Rehabilitation Centre for Addicts or similar centres maintained by the State Government for mentally ill persons (including the persons addicted to any narcotic drug or psychotropic substance) and such removal shall be only for the period required for the inpatient treatment of such child.

Explanation.—For the purposes of this sub-section,—

(*a*) "Integrated Rehabilitation Centre for Addicts" shall have the meaning assigned to it under the scheme called "Central Sector Scheme of Assistance for Prevention of Alcoholism and Substance (Drugs) Abuse and for Social Defence Services" framed by the Central Government in the Ministry of Social Justice and Empowerment or any other corresponding scheme for the time being in force;

(*b*) "mentally ill person" shall have the same meaning assigned to it in clause (*l*) of section 2 of the Mental Health Act, 1987;

(*c*) "psychiatric hospital" or "psychiatric nursing home" shall have the same meaning assigned to it in clause (*q*) of section 2 of the Mental Health Act, 1987.

94. *Presumption and determination of age.* (*1*) Where, it is obvious to the Committee or the Board, based on the appearance of the person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the Committee or the Board shall record such observation stating the age

of the child as nearly as may be and proceed with the inquiry under section 14 or section 36, as the case may be, without waiting for further confirmation of the age.

(*2*) In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining —

(*i*) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;

(*ii*) the birth certificate given by a corporation or a municipal authority or a panchayat;

(*iii*) and only in the absence of (*i*) and (*ii*) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board:

Provided such age determination test conducted on the order of the Committee or the Board shall be completed within fifteen days from the date of such order.

(*3*) The age recorded by the Committee or the Board to be the age of person so brought before it shall, for the purpose of this Act, be deemed to be the true age of that person.

95. *Transfer of a child to place of residence.* (*1*) If during the inquiry it is found that a child hails from a place outside the jurisdiction, the Board or Committee, as the case may be, shall, if satisfied after due inquiry that it is in the best interest of the child and after due consultation with the Committee or the Board of the child's home district, order the transfer of the child, as soon as possible, to the said Committee or the Board, along with relevant documents and following such procedure as may be prescribed:

Provided that such transfer can be made in case of a child in conflict with law, only after the inquiry has been completed and final order passed by the Board:

Provided further that in case of inter-State transfer, the child shall be, if convenient, handed over to the Committee or the Board, as the case may be, of the home district of the child, or to the Committee or the Board in the capital city of the home State.

(*2*) Once the decision to transfer is finalised, the Committee or Board, as the case may be, shall give an escort order to the Special

Juvenile Police Unit to escort the child, within fifteen days of receiving such order:

Provided that a girl child shall be accompanied by woman police officer:

Provided further that where a Special Juvenile Police Unit is not available, the Committee or Board, as the case may be, shall direct the institution where the child is temporarily staying or District Child Protection Unit, to provide an escort to accompany the child during travel.

(*3*) The State Government shall make rules to provide for travelling allowance to the escorting staff for the child, which shall be paid in advance.

(*4*) The Committee or the Board, as the case may be, receiving the transferred child will process for restoration or rehabilitation or social re-integration, as provided in this Act.

96. *Transfer of child between Children's Homes, or special homes or fit facility or fit person in different parts of India.* (*1*) The State Government may at any time, on the recommendation of a Committee or Board, as the case may be, notwithstanding anything contained in this Act, and keeping the best interest of the child in mind, order the child's transfer from any Children's Home or special home or fit facility or fit person, to a home or facility, within the State with prior intimation to the concerned Committee or the Board:

Provided that for transfer of a child between similar home or facility or person within the same district, the Committee or Board, as the case may be, of the said district shall be competent to issue such an order.

(*2*) If transfer is being ordered by a State Government to an institution outside the State, this shall be done only in consultation with the concerned State Government.

(*3*) The total period of stay of the child in a Children's Home or a special home shall not be increased by such transfer.

(*4*) Orders passed under sub-sections (*1*) and (*2*) shall be deemed to be operative for the Committee or the Board, as the case may be, of the area to which the child is sent.

97. *Release of a child from an institution.* (*1*) When a child is kept in a Children's Home or special home, on a report of a probation officer or social worker or of Government or a voluntary or non-governmental organisation, as the case may be, the Committee or the Board may

consider, the release of such child, either absolutely or on such conditions as it may think fit to impose, permitting the child to live with parents or guardian or under the supervision of any authorised person named in the order, willing to receive and take charge, educate and train the child, for some useful trade or calling or to look after the child for rehabilitation:

Provided that if a child who has been released conditionally under this section, or the person under whose supervision the child has been placed, fails to fulfil such conditions, the Board or Committee may, if necessary, cause the child to be taken charge of and to be placed back in the concerned home.

(*2*) If the child has been released on a temporary basis, the time during which the child is not present in the concerned home in pursuance of the permission granted under sub-section (*1*) shall be deemed to be part of the time for which the child is liable to be kept in the children or special home:

Provided that in case of a child in conflict with law fails to fulfil the conditions set by the Board as mentioned in sub-section (*1*), the time for which he is still liable to be kept in the institution shall be extended by the Board for a period equivalent to the time which lapses due to such failure.

98. *Leave of absence to a child placed in an institution.* (*1*) The Committee or the Board, as the case may be, may permit leave of absence to any child, to allow him, on special occasions like examination, marriage of relatives, death of kith or kin or accident or serious illness of parent or any emergency of like nature, under supervision, for a period generally not exceeding seven days in one instance, excluding the time taken in journey.

(*2*) The time during which a child is absent from an institution where he is placed, in pursuance of such permission granted under this section, shall be deemed to be part of the time for which he is liable to be kept in the Children's Home or special home.

(*3*) If a child refuses, or has failed to return to the Children's Home or special home, as the case may be, on the leave period being exhausted or permission being revoked or forfeited, the Board or Committee may, if necessary, cause him to be taken charge of and to be taken back to the concerned home:

Provided that when a child in conflict with law has failed to return to the special home on the leave period being exhausted or on

permission being revoked or forfeited, the time for which he is still liable to be kept in the institution shall be extended by the Board for a period equivalent to the time which lapses due to such failure.

99. *Reports to be treated as confidential.* (*1*) All reports related to the child and considered by the Committee or the Board shall be treated as confidential:

Provided that the Committee or the Board, as the case may be, may, if it so thinks fit, communicate the substance thereof to another Committee or Board or to the child or to the child's parent or guardian, and may give such Committee or the Board or the child or parent or guardian, an opportunity of producing evidence as may be relevant to the matter stated in the report.

(*2*) Notwithstanding anything contained in this Act, the victim shall not be denied access to their case record, orders and relevant papers.

100. *Protection of action taken in good faith.* No suit, prosecution or other legal proceeding shall lie against the Central Government, or the State Government or any person acting under the directions of the Central Government or State Government, as the case may be, in respect of anything which is done in good faith or intended to be done in pursuance of this Act or of any rules or regulations made thereunder.

101. *Appeals.* (*1*) Subject to the provisions of this Act, any person aggrieved by an order made by the Committee or the Board under this Act may, within thirty days from the date of such order, prefer an appeal to the Children's Court, except for decisions by the Committee related to Foster Care and Sponsorship After Care for which the appeal shall lie with the District Magistrate:

Provided that the Court of Sessions, or the District Magistrate, as the case may be, may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time and such appeal shall be decided within a period of thirty days.

(2) An appeal shall lie against an order of the Board passed after making the preliminary assessment into a heinous offence under section 15 of the Act, before the Court of Sessions and the Court may, while deciding the appeal, take the assistance of experienced psychologists and medical specialists other than those whose assistance has been obtained by the Board in passing the order under the said section.

(3) No appeal shall lie from,—

(*a*) any order of acquittal made by the Board in respect of a child alleged to have committed an offence other than the heinous offence by a child who has completed or is above the age of sixteen years; or

(*b*) any order made by a Committee in respect of finding that a person is not a child in need of care and protection.

(*4*) No second appeal shall lie from any order of the Court of Session, passed in appeal under this section.

(*5*) Any person aggrieved by an order of the Children's Court may file an appeal before the High Court in accordance with the procedure specified in the Code of Criminal Procedure, 1973.

102. *Revision.* The High Court may, at any time, either on its own motion or on an application received in this behalf, call for the record of any proceeding in which any Committee or Board or Children's Court, or Court has passed an order, for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit:

Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

103. *Procedure in inquiries, appeals and revision proceedings.* (*1*) Save as otherwise expressly provided by this Act, a Committee or a Board while holding any inquiry under any of the provisions of this Act, shall follow such procedure as may be prescribed and subject thereto, shall follow, as far as may be, the procedure laid down in the Code of Criminal Procedure, 1973 for trial of summons cases.

(*2*) Save as otherwise expressly provided by or under this Act, the procedure to be followed in hearing appeals or revision proceedings under this Act shall be, as far as practicable, in accordance with the provisions of the Code of Criminal Procedure, 1973.

104. *Power of the Committee or the Board to amend its own orders.* (*1*) Without prejudice to the provisions for appeal and revision contained in this Act, the Committee or the Board may, on an application received in this behalf, amend any orders passed by itself, as to the institution to which a child is to be sent or as to the person under whose care or supervision a child is to be placed under this Act:

Provided that during the course of hearing for amending any such orders, there shall be at least two members of the Board of which one shall be the Principal Magistrate and at least three members of the

Committee and all persons concerned, or their authorised representatives, whose views shall be heard by the Committee or the Board, as the case may be, before the said orders are amended.

(*2*) Clerical mistakes in orders passed by the Committee or the Board or errors arising therein from any accidental slip or omission may, at any time, be corrected by the Committee or the Board, as the case may be, either on its own motion or on an application received in this behalf.

105. *Juvenile justice fund.* (*1*) The State Government may create a fund in such name as it thinks fit for the welfare and rehabilitation of the children dealt with under this Act.

(*2*) There shall be credited to the fund such voluntary donations, contributions or subscriptions as may be made by any individual or organisation.

(*3*) The fund created under sub-section (*1*) shall be administered by the Department of the State Government implementing this Act in such manner and for such purposes as may be prescribed.

106. *State Child Protection Society and District Child Protection Unit.* Every State Government shall constitute a Child Protection Society for the State and Child Protection Unit for every District, consisting of such officers and other employees as may be appointed by that Government, to take up matters relating to children with a view to ensure the implementation of this Act, including the establishment and maintenance of institutions under this Act, notification of competent authorities in relation to the children and their rehabilitation and co-ordination with various official and non-official agencies concerned and to discharge such other functions as may be prescribed.

107. *Child Welfare Police Officer and Special Juvenile Police Unit.* (*1*) In every police station, at least one officer, not below the rank of assistant sub-inspector, with aptitude, appropriate training and orientation may be designated as the child welfare police officer to exclusively deal with children either as victims or perpetrators, in co-ordination with the police, voluntary and non-governmental organisations.

(*2*) To co-ordinate all functions of police related to children, the State Government shall constitute Special Juvenile Police Units in each district and city, headed by a police officer not below the rank of a Deputy Superintendent of Police or above and consisting of all police officers designated under sub-section (*1*) and two social workers having

experience of working in the field of child welfare, of whom one shall be a woman.

(*3*) All police officers of the Special Juvenile Police Units shall be provided special training, especially at induction as child welfare police officer, to enable them to perform their functions more effectively.

(*4*) Special Juvenile Police Unit also includes Railway police dealing with children.

108. *Public awareness on provisions of Act.* The Central Government and every State Government, shall take necessary measures to ensure that—

(*a*) the provisions of this Act are given wide publicity through media including television, radio and print media at regular intervals so as to make the general public, children and their parents or guardians aware of such provisions;

(*b*) the officers of the Central Government, State Government and other concerned, persons are imparted periodic training on the matters relating to the implementation of the provisions of this Act.

109. *Monitoring of implementation of Act.* (*1*) The National Commission for Protection of Child Rights constituted under section 3, or as the case may be, the State Commission for Protection of Child Rights constituted under section 17 (herein referred to as the National Commission or the State Commission, as the case may be), of the Commissions for Protection of Child rights Act, 2005, shall, in addition to the functions assigned to them under the said Act, also monitor the implementation of the provisions of this Act, in such manner, as may be prescribed.

(*2*) The National Commission or, as the case may be, the State Commission, shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in the National Commission or the State Commission under the Commissions for Protection of Child Rights Act, 2005.

(*3*) The National Commission or, as the case may be, the State Commission, shall also include its activities under this section, in the annual report referred to in section 16 of the Commissions for Protection of Child Rights Act, 2005.

110. *Power to make rules.* (*1*) The State Government shall, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that the Central Government may, frame model rules in respect of all or any of the matters with respect to which the State Government is required to make rules and where any such model rules have been framed in respect of any such matter, they shall apply to the State *mutatis mutandis* until the rules in respect of that matter are made by the State Government and while making any such rules, they conform to such model rules.

(*2*) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(*i*) manner of inquiry in case of a missing or run away child or whose parents cannot be found under sub-clause (*vii*) of clause (*14*) of section 2;

(*ii*) responsibilities of the Child Welfare Officer attached to a Children's Home under clause (*18*) of section 2;

(*iii*) qualifications of the members of the Board under sub-section (*2*) of section 4;

(*iv*) induction training and sensitisation of all members of the Board under sub-section (*5*) of section 4;

(*v*) term of office of the members of the Board and the manner in which such member may resign under sub-section (*6*) of section 4;

(*vi*) time of the meetings of the Board and the rules of procedure in regard to the transaction of business at its meeting under sub-section (*1*) of section 7;

(*vii*) qualifications, experience and payment of fees of an interpreter or translator under clause (*d*) of sub-section (*3*) of section 8;

(*viii*) any other function of the Board under clause (*n*) of sub-section (*3*) of section 8;

(*ix*) persons through whom any child alleged to be in conflict with law may be produced before the Board and the manner in which such a child may be sent to an observation home or place of safety under sub-section (*2*) of section 10;

(*x*) manner in which a person apprehended and not released on bail by the officer-in-charge of the police station may be kept in an observation home until such person is brought before a Board under sub-section (*2*) of section 12;

(*xi*) format for information on pendency in the Board to the Chief Judicial Magistrate or the Chief Metropolitan Magistrate and District Magistrate on quarterly basis under sub-section (*3*)

of section 16;

(*xii*) monitoring procedures and list of monitoring authorities under sub-section (2) of section 20;

(*xiii*) manner in which the relevant records of the child may be destroyed by the Board, police or the court under sub-section (*2*) of section 24;

(*xiv*) qualifications of the members of the Child Welfare Committee under sub-section (*5*) of section 27;

(*xv*) rules and procedures with regard to transaction of business at the meetings of the Child Welfare Committee under sub-section (*1*) of section 28;

(*xvi*) process of restoration of abandoned or lost children to their families under clause (*x*) of section 30;

(*xvii*) manner of submitting the report to the Committee and the manner of sending and entrusting the child to Children's Home or fit facility or fit person under sub-section (*2*) of section 31;

(*xviii*) manner of holding an inquiry by the Child Welfare Committee under sub-section (*1*) of section 36;

(*xix*) manner in which a child may be sent to a Specialised Adoption Agency if the child is below six years of age, Children's Home or to a fit facility or person or foster family, till suitable means of rehabilitation are found for the child including manner in which situation of the child placed in a Children's Home or with a fit facility or person or foster family, may be reviewed by the Committee under sub-section (*3*) of section 36;

(*xx*) manner in which a quarterly report may be submitted by the Committee to the District Magistrate for review of pendency of cases under sub-section (*4*) of section 36;

(*xxi*) any other order related to any other function of the Committee under clause (*iii*) of sub-section (*2*) of section 37;

(*xxii*) information to be given every month by the Committee to State Agency and Authority regarding number of children declared legally free for adoption and number of cases pending under sub-section (*5*) of section 38;

(*xxiii*) manner in which all institutions under this Act shall be registered under sub-section (*1*) of section 41;

(*xxiv*) procedure for cancelling or withholding registration of an institution that fails to provide rehabilitation and re-integration services under sub-section (*7*) of section 41;

(*xxv*) manner in which information shall be sent every month by the open shelter to the District Child Protection Unit and Committee under sub-section (*3*) of section 43;

(*xxvi*) procedure for placing children in foster care including group foster care under sub-section (*1*) of section 44;

(*xxvii*) procedure for inspection of children in foster care under sub-section (*4*) of section 44;

(*xxviii*) manner in which foster family shall provide education, health and nutrition to the child under sub-section (*6*) of section 44;

(*xxix*) procedure and criteria in which foster care services shall be provided to children under sub-section (*7*) of section 44;

(*xxx*) format for inspection of foster families by the Committee to check the well being of children under sub-section (*8*) of section 44;

(*xxxi*) purpose of undertaking various programmes of sponsorship of children, such as individual to individual sponsorship, group sponsorship or community sponsorship under sub-section (*1*) of section 45;

(*xxxii*) duration of sponsorship under sub-section (*3*) of section 45;

(*xxxiii*) manner of providing financial support to any child leaving institutional care on completing eighteen years of age under section 46;

(*xxxiv*) management and monitoring of observation homes, including the standards and various types of services to be provided by them for rehabilitation and social integration of a child alleged to be in conflict with law and the circumstances under which, and the manner in which, the registration of an observation home may be granted or withdrawn under sub-section (*3*) of section 47;

(*xxxv*) management and monitoring of special homes including the standards and various types of services to be provided to them under sub-section (*2*) and sub-section (*3*) of section 48;

(*xxxvi*) monitoring and management of children's homes including the standards and the nature of services to be provided by them, based on individual care plans for each child under sub-section (*3*) of section 50;

(*xxxvii*) manner in which a Board or the Committee shall recognise, a facility being run by a Governmental organisation or a voluntary or non-governmental organisation registered under any law for the time being in force, fit to temporarily take the responsibility of a child for a specific purpose after due

inquiry regarding the suitability of the facility and the organisation to take care of the child under sub-section (*1*) of section 51;

(*xxxviii*) procedure of verification of credentials, for recognising any person fit to temporarily receive a child for care, protection and treatment of such child for a specified period by the Board or the Committee under sub-section (*1*) of section 52;

(*xxxix*) manner in which services shall be provided by an institution under this Act for rehabilitation and re-integration of children and standards for basic requirements such as food, shelter, clothing and medical attention under sub-section (*1*) of section 53;

(*xl*) manner in which Management Committee shall be set up by each institution for management of the institution and monitoring of the progress of every child under sub-section (*2*) of section 53;

(*xli*) activities that may be taken up by children's committees under sub-section (3) of section 53;

(*xlii*) appointment of inspection committees for all institutions registered or recognised fit, for the State and district under sub-section (*1*) of section 54;

(*xliii*) manner in which Central Government or State Government may independently evaluate the functioning of the Board, Committee, special juvenile police units, registered institutions, or recognised fit facilities and persons, including the period and through persons or institutions under sub-section (*1*) of section 55;

(*xliv*) manner in which institutions shall furnish details of children declared legally free for adoption to the Specialised Adoption Agency under sub-section (*2*) of section 66;

(*xlv*) any other function of the Authority under clause (*e*) of section 68;

(*xlvi*) criteria for the selection or nomination of the Members of the Steering Committee of the Authority and their tenure as well as the terms and conditions of their appointment under sub-section (*2*) of section 69;

(*xlvii*) manner in which Steering Committee of the Authority shall meet under sub-section (*4*) of section 69;

(*xlviii*) manner in which the Authority shall submit an annual report to the Central Government under sub-section (*1*) of section 71;

(*xlix*) functions of the Authority under sub-section (*2*) of section 72;

(*l*) manner in which the Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts under sub-section (*1*) of section 73;

(*li*) period that the Committee or Board may think necessary for the treatment of children who are found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment to a fit facility under section 92;

(*lii*) procedure for transfer of child under sub-section (*1*) of section 95;

(*liii*) provision for travelling allowance to the escorting staff for the child under sub-section (*3*) of section 95;

(*liv*) procedure to be followed by the Committee or a Board while holding any inquiry, appeal or revision under sub-section (*1*) of section 103;

(*lv*) manner in which juvenile justice fund shall be administered under sub-section (*3*) of section 105;

(*lvi*) functioning of the Child Protection Society for the State and Child Protection Units for every district under section 106;

(*lvii*) to enable the National Commission, or as the case may be, the State Commission to monitor implementation of the provisions of this Act under sub-section (*1*) of section 109;

(*lviii*) any other matter which is required to be, or may be, prescribed.

(*3*) Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

(*4*) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

111. *Repeal and savings.* (*1*) The Juvenile Justice (Care and Protection of Children) Act, 2000 is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Acts shall be deemed to have been done or taken under the corresponding provisions of this Act.

112. *Power to remove difficulties*.(*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act.

(*2*) However, order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

6

SESSIONAL REVIEW

SIXTEENTH LOK SABHA

SIXTH SESSION

The Fifth Session of the Sixteenth Lok Sabha commenced on 26 November 2015 and was adjourned *sine die* on 23 December 2015. In all, there were 20 Sittings during the Session. The House was prorogued by the President on 6 January 2016. A resume of some of the important discussions held and other business transacted during the period 26 November to 23 December 2015 is given below:

A. STATEMENTS/DISCUSSIONS

Discussion on Commitment to India's Constitution as part of 125th Birth Anniversary Celebration of Dr. B.R. Ambedkar: On 26 November 2015, the Hon'ble Speaker, Lok Sabha, Smt. Sumitra Mahajan addressed Members of Parliament in the Lok Sabha at the beginning of the Discussion on Commitment to India's Constitution, as part of the 125th Birth Anniversary Celebration of Dr. B.R. Ambedkar.

Smt. Mahajan recalled that on 26 November 1949, the Constituent Assembly had adopted the Constitution of India and that day was being celebrated as the 'Constitution Day' now. She added that our Constitution is our supreme national document which reflects the values, ideals and thoughts which were embedded in our national conscience. The Speaker said that beside being the first Law Minister of Independent India, Dr. Ambedkar was the Chairman of the Drafting Committee of the Indian Constitution, which comprised eminent luminaries like Shri K.M. Munshi, Shri Alladi Krishnaswamy Iyer, Shri N. Gopalaswami Ayengar, Shri Madhav Rao, Md. Saadullah, Shri B.L. Mittar, Shri D.P. Khaitan and Shri T.T. Krishnamachari. She said the Committee combined tremendous foresight and erudite scholarship, and they elaborated the philosophy and wisdom behind various provisions of the draft Constitution, and the ideals and principles as enshrined in the Preamble set out the fundamental nature of our Constitution. The Preamble begins with the words 'We, the people of India', which places the people at the centre of our democratic setup, she added. She recalled that during the last 65 years, our

Constitution has rose to the time and occasion, and the ideals and values that it had set out are the soul of our vibrant democracy, and had established rule of law and steered the direction for achieving social, economic and political objectives, and strengthened the social fabric of our democracy. The Lok Sabha Speaker expressed hope that the basic concept of unity in diversity in our political set up could be strengthened by adhering to the enlightened values set out by our founding fathers. While stating that constitutional jurists have identified various features of the Constitution as basic or fundamental to it, she said the most important of these included the parliamentary system of government, Fundamental Rights, Directive Principles, Secularism, the protection of minority rights, federalism, republicanism, the people as masters of their destiny, independence of Judiciary and the power of judicial review. The centrality of the people had been attested to by casting votes with their discretion and wisdom, and ensuring smooth transition of power. The Lok Sabha Speaker further said that while focusing on the Fundamental Rights, the Constitution had guaranteed equal rights to all citizens and provide direct access to the highest court of the land to enforce any of the Fundamental Rights whenever and wherever they are infringed or suppressed. She further said that India has successfully assimilated the unity in diversity in its institutional democracy and the impact of the civil society and citizens' network was part of the process of our policy formation. While stating that criticism and dissent are a part of our democracy, she felt it pertinent to mention the words of Dr. Rajendra Prasad in this context: "We have prepared a democratic Constitution. But successful working of democratic institutions requires in those who have to work them, willingness to respect the view points of others, capacity for compromise and accommodation. Many things which cannot be written in a Constitution are done by conventions. Let me hope that we shall show those capacities and develop those conventions". The Speaker further said that the Directive Principles of State Policy sought to secure and protect a just social order and social justice and inclusive development are central to our development programme.

While stating that there are various provisions in our Constitution to strive to achieve them in an atmosphere of social harmony, she added that it was endeavoured to ensure peaceful coexistence and progress of all communities irrespective of caste, creed, religion and language. She further said that people of all faiths, sects and ideology lived in our country, and these are our social ethos, culture and the need to have respect for each others views and promote goodwill for all religions. Over the years, democratization at all levels and across different

sections of the society has deepened our democratic experience and the heightened political activism has brought into focus, the interests and the aspirations of the hitherto marginalized sections. The dramatic increase in the number of political parties representing a diverse range of interests has also accentuated the federal character of our polity enabling us to maintain unity in diversity. The alliance governments completing their terms are indicative of our political maturity. The presence of political parties in large numbers, the representation of as many as 35 parties together with independent leaders was a testimony to our political pluralism and strength of our democracy, she added.

Smt. Mahajan further said that the three organs of the state–the Legislature, the Executive and the Judiciary–while being separate institutions, are the creation of the Constitution and draw their authority from it, and the Constitution visualized all the three organs of the State to work as coordinate partners in ensuring good governance. It does this by providing exhaustive provisions to give more certainty and stability into the system so as to prevent them from becoming competing centres of powers. She said they would continue to do so in future, and she was glad that the flexibility in our Constitution had enabled our Parliament to initiate and enact various amendments to the Constitution having far reaching significance. She further said that it had made possible to institute affirmative measures and actions for the socially and economically backward segments of the society, and together with the provision for equal justice for the poor and the marginalised sections, it provided free legal aid. It had also enabled to have Right to Education as a Fundamental Right. She also said that we have an independent and active judiciary, a robust system of political parties, a vibrant and vigilant media and a thriving civil society, and our democracy has array of institutions such as an effective Election Commission, an autonomous Union Public Service Commission, a proactive watchdog of public accounts in the Comptroller and Auditor General, an independent National Human Rights Commission, *etc.* and the institutional efficacy of these democratic institutions was beyond doubt. India's institutions of democratic governance are hailed across the world, especially in the developing world, as a model political system. The values enunciated by a country find its roots in the constitution and the world look up to India with admiration due to its thriving democracy, excellent constitution and constitutional systems. The Lok Sabha Speaker further added that first and last, we are Indians and the Constitution further strengthened the concept of Indianness and the beauty lay in it being free from any discrimination. She recalled that there were ample provisions to safeguard against despotism and history have taught that such efforts have

always been rejected by the people. She felt that inspite of all the achievements, it was no time to rest on laurels as there are innumerable developmental challenges before us and it was time to work harder in order to achieve our objectives in some of the important areas of concern like education and literacy, health and nutrition, infrastructural development, farmers' welfare and women's security. The Speaker said that we should march forward for building a stronger India, while carrying a feeling of patriotism in our bosom to face the global challenges staring at us. In the ultimate analysis, she said that consensus building was very crucial element in democratic governance and it required elected representatives of the people to engage with each other and work together to address the issues, and find solutions to all problems faced by the common man.

Initiating the discussion, the Minister of Home Affairs, Shri Rajnath Singh said that Dr. Bhim Rao Ambedkar, who was the Chairman of the drafting committee and whose 125th birth anniversary was being celebrated on that day, was the chief architect of the Constitution. He expressed reverence for all those great men who contributed their significant might in drafting the Constitution. Describing Dr. Bhim Rao Ambedkar the true son of the soil, who never thought of leaving the country despite being neglected, humiliated and tormented from time to time, the Minister recalled another unparalleled statesman of our country, Pandit Jawahar Lal Nehru for his contribution in erecting and strengthening the edifice of Indian democracy can never be forgotten. He further said that Dr. Saheb also made a significant contribution to workers welfare and development of agricultural and irrigational facilities, workers' rights and their welfare, minimum wages to the workers and their provident fund and projects like Central Waterways Irrigation and Navigation Commission, the Damodar Valley project, Hirakund project, Sone River Valley project and many other water projects were his brain child. Shri Singh said that Dr. Ambedkar laid the foundation of socio-economic structure of Indian society, and the suggestions that he gave before the Hilton Young Commission formed the basis for setting up the Reserve Bank of India. He was also the architect of the Finance Commission of India. The Minister recalled that Dr. Ambedkar was of the view that untouchability was the greatest curse for Indian society and should be abolished, and for giving equality in opportunity, he provided for reservation in the Constitution. He was of the opinion that this was a socio-political necessity. The Minister said that he personally understood that there should be no scope for any discussion with regard to the provision of reservation as it was not an electoral issue, but a constitutional provision. He further said that the Preamble forms the soul of constitution

and it should not be amended in any way. He felt that in today's Indian polity, the most misused and misinterpreted word was the word, secular, and said there should be a check on its misinterpretation. While noting that the Indian Constitution was flexible but strong and workable, he added that according to Dr. Ambedkar, every word written in the constitution was not a mere word but an effective instrument of giving justice to each and every sect of our society. Shri Singh was of the view that if we consider the Preamble as the soul of our Constitution then the Fundamental Rights are the lungs of it, and added that one of the most beautiful aspects of Indian Constitution was that despite being unitary, its fundamental character was federal. The Minister said that it was the resolution of the government that it would not rest till untouchability was removed from the country and said that the government was fully committed to the Constitution of India.

Participating in the discussion*, Smt. Sonia Gandhi (INC) called it a historical day and reminded that it was on this day, 66 years ago that

* Others who participated in the Discussion were Sarvashri Anandrao Adsul; Ram Mohan Naidu Kinjarapu; A.P. Jithender Reddy; Jitendra Chaudhury; the Minister of Consumer Affairs, Food and Public Distribution, Ram Vilas Paswan; Mekapati Rajamohan Reddy; Tariq Anwar; Jay Prakash Narayan Yadav; Mallikarjun Kharge; the Minister of Social Justice and Empowerment, Thaawar Chand Gehlot; the Minister of Urban Development, Housing and Urban Poverty Alleviation and Parliamentary Affairs, M. Venkaiah Naidu; Mulayam Singh Yadav; Thota Narasimham; Daddan Mishra; Chandra Prakash Joshi; R. Dhruvanarayana; C.R. Chaudhary; Jyotiraditya M. Scindia; Nanabhau Falgunrao Patole; S.P. Muddahanume Gowda; Devji M. Patel; P.K. Biju; Kaushalendra Kumar; Prem Singh Chandumajra; Dharmendra Yadav; T.G. Venkatesh Babu; Sharad Tripathi; Gaurav Gogoi; D.K. Suresh; Bidyut Baran Mahato; Gajanan Kirtikar; Kodikunnil Suresh; Malyadri Sriram; Dhananjay Mahadik; Kalyan Banerjee; Sadashiv Lokhande; Shrirang Appa Barne; Rakesh Singh; Bhartruhari Mahtab; Sankar Prasad Datta; Nityanand Rai; A.T. Nana Patil; Ramdas C. Tadas; Arvind Sawant; Gajendra Singh Shekhawat; Sunil Kumar Singh; Suresh C. Angadi; Mahesh Girri; B.N. Chandrappa; Rattan Lal Kataria; Mullappally Ramachandran; Harinder Singh Khalsa; Ganesh Singh; Nishikant Dubey; Konda Vishweshwar Reddy; R. Radhakrishnan; Sudheer Gupta; Bhairon Prasad Mishra; Virender Kashyap; Faggan Singh Kulaste; Hukum Singh; Arjun Ram Meghwal; Om Birla; Rajeev Satav; Purno Agitok Sangma; Bandaru Dattatreya; Alok Sanjar; Ravinder Kushawaha; B.S. Yeddyurappa; Mohd. Asrarul Haque; B. Vinod Kumar; Kunwar Pushpendra Singh Chandel; Janardan Singh Sigriwal; Hariom Singh Rathore; Prahlad Singh Patel; Bhanu Pratap Singh Verma; Balabhadra Majhi; Radheshyam Biswas; Asaduddin Owaisi; Ajay Tamta; Balka Suman; Pralhad Joshi; P.P. Chaudhary; Prem Das Rai; N.K. Premachandran; Keshav Prasad Maurya; C.N. Jayadevan; Rajendra Agrawal; Dilip Kumar Mansukhlal Gandhi; B. Sreeramulu; Ramcharan Bohra; P.P. Mohammed Faizal; Dushyant Chautala; Md. Badaruddoza Khan; P. Karunakaran; Rajesh Ranjan;

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the Constituent Assembly had given the Constitution to the country. She said that the making of our Constitution was the result of struggle spanning over decades which took place under the leadership of Mahatma Gandhi. She added that the Constituent Assembly got its guidance from such personalities like Shri Jawaharlal Nehru, Sardar Patel, Dr. Rajendra Prasad and Maulana Azad. She said that our Constitution have proved to be amazingly flexible, have undergone more than 100 amendments, and have given a feeling of participation and pride to the weaker sections of our society. She said it was beyond any dispute that our Constitution imbibes secular values and had made our democracy and governance more reprehensive and accountable. While cautioning not to forget the warning of Dr. Ambekar that the practical implementation of the Constitution does not depend solely upon the character of the Constitution, she said the spirit of the Constitution was as much important as its letters.

Joining the discussion, Dr. Ponnusamy Venugopal (AIADMK) found it befitting and proper to hold discussion on the occasion of the 125th Birth Centenary Celebration of Dr. B.R. Ambedkar. He said Dr. Ambedkar had cultivated the scientific spirit to analyse the root cause of the social maladies affecting India and laid stressed on empowering the depressed class through education and working for the emancipation of women. Shri Venugopal said that considering the size of the population, the huge number of illiteracies was an alarming figure and education alone would open the possibilities for better economic upliftment of people. He stressed on ensuring the spread and reach of education to all so that it can serve as a tool for socio-economic progress and a cultured citizenry.

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Rahul Ramesh Shewale; Anurag Singh Thakur; Jhina Hikaka; Jagdambika Pal; Vishnu Dayal Ram; K.C. Venugopal; E. Ahamed; Dr. Yashwant Singh; Dr. Kirit P. Solanki; Dr. Ratna (Nag) De; Dr. (Prof.) Prasanna Kumar Patasani; Dr. (Prof.) Azmeera Seetaram Naik; Dr. Kulamani Samal; Dr. K. Gopal; Dr. Sunil Baliram Gaikwad; Dr. Kirit Somaiya; Dr. Vara Prasadrao Velagapalli; Dr. Tapas Mandal; Dr. Bhagirath Prasad; Dr. Virendra Kumar; Dr. Arun Kumar; Dr. Pritam Gopinath Munde; Dr. Ramesh Pokhriyal Nishank; Dr. Thokchom Meinya; Dr. Manoj Rajoria; Dr. Ravindra Babu; Kumari Shobha Karandlaje; Kumari Sushmita Dev; Prof. Richard Hay; Ms. Mehbooba Mufti; Sushree Sadhvi Savitri Bai Phule; Smt. Kothapalli Geetha; Smt. Riti Pathak; Smt. Pratima Mondal; Smt. Supriya Sule; Smt. Aparupa Poddar; Smt. Mamata Thakur; Smt. Rama Devi; the Minister of Human Resource Development, Smt. Smriti Zubin Irani; Smt. K. Maragatham; Smt. Meenakashi Lekhi; Smt. Anupriya Patel; Smt. Anju Bala and Smt. Raksha Nikhil Khadse.

Participating in the discussion, Shri Sudip Bandyopadhyay (AITC) said that Dr. Ambedkar championed social equality for all Indian citizens, especially the dalit communities and he was in favour of the parliamentary form of Government and firmly believed that only a parliamentary system of Government can usher in an egalitarian society. A strong advocate of the federal structure, Dr. Ambedkar spent his whole life for the betterment of the poor, exploited, troubled classes, he added. Shri Bandyopadhyay reminded that India was a country of tolerance, and the whole world has a respect for us for this reason. He lamented that a few incidents are sending negative messages and requested that a firm commitment should be given to show that incidents of intolerance would not be tolerated.

Joining the discussion, Shri Tathagata Satpathy (BJD) said that sixteen bloodless elections have proven our credentials that we are thoroughly embedded in democracy and these elections have proven that the people of India are much wiser and much saner. He lamented that while they were talking about Dr. Ambedkar and all the great names, their belief in federalism seems to be forgotten. While reminding that we are a pluralist society, he said that if we want to pass on healthy traditions to our children in a unified manner, then it was time that we shed our ego, and requested not to tolerate intolerance at all. He added that our social structure was getting threatened and destablised due to the ongoing battle of the rich and the poor and law enforcement, still being done primarily using the Police Act of 1861. He suggested to the Government to make 120 days of sittings of the House per year from the usual 80 to 90 days.

Replying to the discussion on 27 November 2015, the Prime Minister, Shri Narendra Modi said that the Hon'ble Speaker had put forward the importance of the Constitution and the farsightedness of the framers of the Constitution in a very effective manner. He also congratulated all the Members of the House for the way they have shown interest in the discussion and unanimously supported and showed dedication towards Constitution. The Prime Minister said that the spirit of the discussion was neither 'I' nor 'You', rather it was 'We'. Shri Modi said that India is a diverse country and the Constitution has strengthened our unity, and the need of the hour was to put in sustained efforts to familiarise the people about the sanctity, power and the objectives of the Constitution. The Prime Minister said that they have organized this programme in Parliament, but in future, public meetings, conducting seminars, debates, competitions should be organised so that every generation should know about Constitution. He felt that online quiz and

essay competitions should be conducted so that the entire nation develop the habit of knowing our Constitution. The Prime Minister said that all the governments which were formed in the past and all those who became Prime Ministers have contributed in taking our nation forward. He reminded that this country was built on the contribution of crores of people and all have put their efforts. He added that everyone played their role in the making of the Constitution that was why we got the best Constitution as it fulfills the dream of dignity, unity and integrity of the nation and Dr. Ambedkar played an important role in this regard. The Prime Minister said that our country has 12 live religions, which are all respected here, 122 languages of various origins and more than 1600 dialects, and wondered as to what would have been the state of mind of the framers of the Constitution and their work was still a guideline for us. He said that their glorious work needed to be taken to the coming generations for strengthening our democracy. The Prime Minister elaborated that our Constitution could have been very good to run the country, but it could not have been a social document without the involvement of Babasaheb Ambedkar and it was his greatness that nowhere in our Constitution there was feeling of revenge, but had tried to accommodate all. He said if we want to maintain democracy, we should comply with the constitutional methods to achieve social and economic goals. Shri Modi further said that the Constitution was a fundamental document which defines the status and powers of the Executive, the Judiciary and the Legislative and it was much more important because of the diversities in our country. Recalling the words of Dr. Ambedkar, he said that however good the constitution is, it can be badly implemented by some ineligible group, whereas however bad constitution is, it can be implemented in a very good manner if the group implementing it is good. He reminded that the working of the Constitution does not fully depend on the nature of the Constitution and democracy become more powerful when we ushered on the path of consensus. The Prime Minister said our country had existed for thousands of years, and we have our shortcomings, evils in our society, fought against the society and made efforts to maintain the unity and integrity of the society. He added that great people like Chaitanya Mahaprabhu, Meera Bai, Narsi Mehta brought this country out of such evils. He reminded that our society took pride in practicing *sati* once upon a time, but Raja Ram Mohan Roy came forward and the people stood against such evil practices. When widows were suffering, Vidya Sagar came forward, and when the dalit, the downtrodden, the exploited and the poor of the society were suffering, Jyoti Ba Phule and Babasaheb Ambedkar came forward. The Prime Minister said that Narsi Mehta and Mahatma Gandhi spent all their life

to eradicate untouchability, and in every age, some great man appear, and show the right direction to the society and saved the society. Today the Constitution guides us but it was not there all the time. The people of the society came together in those times also. He further said that we belong to such a community which have suffered serious loss of credibility. The society took pride of the leaders who participated in our freedom struggle. It was an institution which is the necessary part of democracy and we should strive to enhance its prestige and its power. He lamented that these very politicians have put restriction on themselves while sitting in the House and said that when the Hon'ble Supreme Court decided that no convicted person can fight election, Parliament could have enacted a law. The togetherness in parliament had been brought by the people working for the last 50 years and we have come to a situation where we do not have the courage to say something to our people whom we represent. He urged the House and the citizens of the country to give as much stress towards our duties as towards our rights. He was of the opinion that the country could be run with a right blending of rights and duties and to inculcate the sense of duty and only then can the country move forward and quoted Mahatma Gandhi to state that if everybody talks about their rights and move away from their duties then the result would be chaos and instability. While stating that the Constitution should be for the welfare of the poor, dalits and the exploited, he wondered as to what would have been the condition of the dalits and the exploited people had Babasaheb Ambedkar not provided for reservation? He further stated that we are duty bound to provide them opportunities, no section of the society should lay lag behind since the nation is strong only when all its constituents are strong and Justice should be speedy and affordable. He mentioned that one of the most important aspects of democracy is the Grievance Redressal System as it strengthens democracy, Lok Adalats have settled numerous disputes, the Government have introduced UAN number to facilitate EPF portability and they are working for the welfare of the poor of the country. He also stressed that the Government was bound to follow only one dharma and that was India first, he added there is only one religious book of the Government and that was the Constitution, and an inherent strength which kept the country moving.

Valedictory Reference of Hon'ble Speaker: The Hon'ble Speaker, Lok Sabha, Smt. Sumitra Mahajan informed the Members that the discussion on commitment to India's Constitution was coming to close, and added that it gave her immense satisfaction that there had been fruitful discussion. She noted that there had been an overwhelming enthusiasm amongst Members to participate in the two-day Special

Sittings. Thereafter, the Hon'ble Speaker, Lok Sabha, Smt. Sumitra Mahajan, proposed the following Resolution:

> "We, the Members of Lok Sabha, in this Special Sittings of the Lok Sabha on 26th and 27th November, 2015 for celebrating the "Constitution Day" as a part of the One Hundred and Twenty-Fifth Birth Anniversary Celebration of Dr. B.R. Ambedkar,– Having remembered with gratitude, the commitment of Father of the Nation, Mahatma Gandhi; pioneering and monumental role played by Pandit Jawahar Lal Nehru, Dr. Rajendra Prasad, Sardar Vallabhbhai Patel, Maulana Azad and other founding fathers of our Constitution and their contribution in enabling us to give to ourselves the Constitution on the 26th November 1949; and having enacted it on the 26 January 1950; and having recalled with appreciation, the invaluable services rendered by Dr. B.R. Ambedkar as the Chairman of the Drafting Committee of the Constituent Assembly and all its Members in the framing of the Constitution of India; Do hereby solemnly affirm our commitment to the principles and ideals of the Constitution, and resolve to–(*a*) uphold and maintain the sanctity and supremacy of the Constitution; (*b*) respect the constitutional institutions, their freedom and authority; (*c*) protect the sovereignty, unity and integrity of our country and its democratic, socialist and secular character; (*d*) maintain transparency, probity and accountability in public life; and (*e*) dedicate ourselves to equality and social justice and contribute to the task of building a strong republic."

The Resolution was unanimously adopted.

Statement by Minister Regarding Visit of Minister of External Affairs to Islamabad and Recent Developments relating to Ties between India and Pakistan: The Minister of External Affairs and Minister of Overseas Indian Affairs, Smt. Sushma Swaraj made a Statement on 14 December 2015, on her recent visit to Islamabad, Pakistan leading the Indian delegation to the Fifth Ministerial Conference of the 'Heart of Asia' Ministerial conference on Afghanistan. She informed that the Conference took place on December 8 and 9, 2015 and was devoted to the themes of security and connectivity and the process brought together friends of Afghanistan from its immediate and extended neighbourhood as well as supporting countries and international organisations to promote political consultations and regional cooperation for a united, democratic, independent, strong and prosperous Afghanistan. At the Conference, she urged for full and direct transit for Afghanistan through Pakistan to India and advocated working together for peace and

development in South Asia, with self-confidence and maturity. During her visit, she called on the Prime Minister of Pakistan, Mr. Nawaz Sharif and held discussions with her Pakistani counterpart, Mr. Sartaj Aziz. The Minister informed that during the first meeting between the two Prime Ministers during the visit of Mr. Nawaz Sharif to New Delhi, our views on India-Pakistan ties and our concerns on terrorism and violence were conveyed to the Pakistani authorities. She further informed that the Prime Ministers of India and Pakistan met in Ufa, Russia, in July 2015 and agreed that the two countries had collective responsibility to ensure peace and promote development and condemned terrorism in all its forms and agreed to cooperate with each other to eliminate this menace from South Asia and discuss all outstanding issues. The Minister said that when our Prime Minister met his Pakistani counterpart during the COP-21 Summit meeting in Paris on 30 November 2015, there was a discussion on how the two countries could build an atmosphere conducive for again re-engaging with each other. The underlying sentiment was that the continued estrangement of two neighbours was a hurdle to the realization of our shared vision of a peaceful and prosperous region. At the same time, there was also a sharp awareness that the principal obstacles to the growth of ties, especially terrorism, would have to be clearly and directly addressed. The two leaders decided that both sides should hold the NSA-level meeting. The National Security Advisors of the two countries accordingly met on 6 December 2015. They focused on peace and security, terrorism, tranquility along the Line of Control, and Jammu and Kashmir. Both sides condemned terrorism and resolved to cooperate to eliminate this menace, and the need for Pakistan to expedite the Mumbai terrorist attacks trial was dwelt upon, which was assured. Accordingly, it was decided to begin a dialogue with Pakistan under the new title "Comprehensive Bilateral Dialogue". She assured the House that the Government accord the highest priority to the country's security. The Minister further informed that the Government was also committed to building an environment of peaceful and cooperative relations with all our neighbours, so that the efforts for peace and development in South Asia are taken further forward. She informed that the new Dialogue with Pakistan had twin aims of removing hurdles in the path of a constructive engagement by addressing issues of concern, and of exploring and establishing cooperative ties. She believed that initiatives on trade and connectivity, people-to-people exchanges and humanitarian issues would contribute to welfare of the entire region, and promote better understanding and mutual trust. The Minister expressed hope that the new Dialogue would mark a new beginning for peace and development in the whole region.

Statements by Ministers Regarding Initiatives of the Government for regional connectivity with focus on North-Eastern States of the country. The Minister of Road Transport and Highways and Minister of Shipping, Shri Nitin Gadkari made a Statement on 16 December 2015, and said that the Government had been focusing on enhancing regional cooperation, and one major milestone in this area had been the signing of Bangladesh Bhutan India Nepal (BBIN) Motor Vehicles Agreement (MVA) in Thimphu, Bhutan by the four Transport Ministers in June 2015, which would facilitate seamless movement of passenger and cargo vehicles of all categories registered in the region. He informed that a cargo trial run was successfully organized on Kolkata-Dhaka-Agartala route in November 2015 covering a distance of 640 kms, and compared with the traditional transit route from Kolkata to Agartala via Siliguri-Guwahati-Silchar covering a distance of 1550 kms, this was a substantial reduction. The four countries have also identified 14 routes for passenger services and 7 routes for cargo movement under the BBIN MVA. The Minister also informed that several major Road Transport Corridor Projects have been identified in India, particularly in the North Eastern region, which are proposed to be taken up with ADB support. About 110 km on the Imphal-Moreh (NH-39) would be taken up for upgradation by NHIDCL with loan being provided by ADB. A total of 10 sub-projects have been included in JICA's rolling plan under the North East Cross Border Connectivity improvement project covering about 1153 kms. To fulfil the need for promoting seamless road transportation and social and technical collaboration for closer regional economic cooperation, he said that the Ministry had taken initiative for cross border passenger transportation and as such several new bus services on many bus routes have been started between India and Bangladesh and India and Nepal. He further said that a parallel and significant initiative has been taken by the Ministry for a trilateral MVA between India-Myanmar-Thailand (IMT) and this would open the way for movement of cargo and passengers (including personal vehicles) from South to South East Asia up to Thailand. Once BBIN and IMT agreements are operationalized, the dream of seamless movement of all types of vehicles between South East Asia *i.e.* SAARC countries and ASEAN countries would become a reality. The Minister also informed that an agreement has been signed for creating water transport service between Bangladesh and India that would take direct route through Brahmaputra and Kolkata Sagar and this would improve the export-import and thereby economy of all the four countries namely, Bangladesh, Bhutan, Nepal and India, due to the presence of a through road and water traffic. He informed that a proposal to build a bridge after Rameshwaram to connect Sri Lanka with

India was under consideration and discussion have been held with the Prime Minister of Sri Lanka. The Minister further informed that with this, it would be possible to undertake road journey through Bangladesh, Bhutan, Nepal, Myanmar and through the latter upto Bangkok, Thailand.

Statement by Minister Regarding 21st Conference of Parties held from 30th November to 12th December, 2015 at Paris (France). The Minister of State of the Ministry of Environment, Forests and Climate Change, Shri Prakash Javadekar made a Statement on 16 December 2015 and informed that the CoP adopted a new Paris Agreement under the UNFCCC which would be open for signing by the Parties between 22 April 2016 to 21 April 2017. He said that in order to implement the decisions adopted, a new *adhoc* Working Group on the Paris Agreement has been set up. While thanking the Prime Minister for guiding their efforts and attending the Leaders' summit on 30 November 2015, he said the outcome of this Conference represents a forward march for the global community in the fight against climate change. He informed that India advocated a strong and durable climate agreement based on the principles and provisions of the Convention and had been a strong advocate of the principle of "Differentiation" and operationalization of Common But Differentiated Responsibilities (CBDR) in the climate change regime to prevent any further dilution of the principle that had taken place hitherto, and India had been able to secure its interest and that of the developing countries in this Agreement. The Minister also informed that the Conference witnessed the launch of the historic International Solar Alliance by the Prime Minister of India, Shri Narendra Modi, who launched this Alliance on 30 November 2015 alongwith the President of France, Mr. Hollande, in which representatives of more than 70 countries and around 500 high level representatives from industry, governments and international organizations attended. He further informed that 'Mission Innovation' was also launched to promote collaborative Research & Development and double the investments in research in clean energy technologies. The Minister also said that an Indian Pavillion was set up in the venue by the Government which highlighted the initiatives taken by various Ministries, State Governments, Missions under National Action Plan on Climate Change, Industries, Civil Societies, NGOs, *etc*. The Prime Minister inaugurated the Pavillion and released "PARAMPARA", a book on India's culture of climate friendly sustainable practices. He further said that India was a part of several grouping of developing countries which fought for the cause of developing countries. Bilateral meetings were held with a number of countries and India wanted an ambitious and durable agreement based on the principles of Equity and CBDR that recognizes the need for greater action by

developed countries based on their historical responsibility and economic status. Shri Javadekar felt happy that the agreement has unequivocally acknowledged the imperative of climate justice and has based itself on the principles of equity and common but differentiated responsibilities. He further said that India had consistently said that the path to climate ambition must be paved with equity, and he was happy that the Agreement has recognized this, and they felt vindicated that all their major requirements have been accepted and have become a part of the Agreement.

B. LEGISLATIVE BUSINESS

Carriage by Air (Amendment) Bill, 2015: The Minister of Civil Aviation, Shri Ashok Gajapathi Raju moved the Motion for consideration of the Bill on 2 December 2015 and informed that this was regarding compensation on international flights. He further said that since it had to be amended from time to time, as and when it is revised internationally in the future, the Government may notify them and bring it for the information of the House.

Replying to the Discussion*, the Minister of Civil Aviation, Shri Ashok Gajapathi Raju said that it was for enhancing the rates which are done internationally. He explained that they meet every five years and enhance it, and reminded that 30 December 2009 was the Montreal Convention, when this was revised and India was a signatory, and if anything happens otherwise, the commitment goes through. The Minister further said that civil aviation requires more discussion and attention and there were problems and safety and security were the two things on which the Government was never going to compromise. He informed that the Government have released the draft Aviation Policy and the ultimate aim was to improve this service sector and serve the people better. On pay lounges *vis-a-vis* India not having pay lounges, the Minister said that every country have their own way of going about things and we cannot compel other countries to behave like us. He assured that he would take these suggestions, work on them and requested that the Bill be passed without amendments.

The Bill was passed.

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* Others who participated in the discussion included: Sarvashri Anto Antony; G. Hari; Rajiv Pratap Rudy; Thota Narasimham; Md. Badaruddoza Khan; Kaushalendra Kumar; Sharad Tripathi; N. K. Premachandran; Mekapati Raja Mohan Reddy; Dr. Tapas Mandal; Dr. Kulmani Samal and Dr. Boora Narsaiah Goud.

***Bureau of Indian Standards Bill, 2015*:** The Minister of Consumer Affairs, Food and Public Distribution, Shri Ram Vilas Paswan moved the Motion for consideration of the Bill on 2 December 2015, and said that the BIS Act, passed in the year 1986, have been repealed and a new bill was being introduced. He further said that the scenario of economy has changed and new products and services are required in the market, and hence it was felt that amendment should be made to it. The Minister further said that BIS should be declared as a National Standards body and the standards set by various sectors separately should be given status of national standards, and in case the national standards are made mandatory, it would help in checking the import of sub-standard goods. The Minister explained that the Union Government would be authorized to entrust the work of testing and licensing to other agencies besides BIS, and requested that the Bill may be taken into consideration.

Replying to the Discussion* on 3 December 2015, the Minister of Consumer Affairs, Food And Public Distribution, Shri Ramvilas Paswan thanked the Members for expressing their views in support of this Bill. He said that India has mixed economy, where private sector and public sector are both working together and added that no matter how much independence was given to a body, it must have some co-ordination with the government. The Minister explained that BIS was related to standards and everything must be in conformity with standards. While stating that people are becoming more and more health conscious, he was of the view that the standards should not be kept so high that the selling of goods on roadside become impossible. He explained that they wanted a simple way in place to promote standardization, but with strict law. He further informed that violation of the mandatory products or ISI by anyone would be considered a cognizable offence which may be punishable with imprisonment of two years or a fine of Rs. 1 Lakh or both. He said that in case of big businessmen, they have to be fined with 10 times either of their annual turnover or the turnover carried since the date of filing complaint. The Minister informed that they have suggested to make hall-marking mandatory, and asked if the products of India are not in international standards, how can we compete in the

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* Others who participated in the Discussion were: Sarvashri A. Anwhar Raajhaa; Rabindra Kumar Jena; Jayadev Galla; Konda Vishweshwar Reddy; P.K. Biju; Arvind Sawant; Mekapati Raja Mohan Reddy; Akshay Yadav; Om Birla; Bhagwant Mann; Abhijit Mukherjee; Charanjeet Singh Rori; Gopal Shetty; E.T. Mohammad Basheer; N.K. Premachandran; Kaushalendra Kumar; Rattan Lal Kataria; Dr. Sanjay Jaiswal; Dr. Mamtaz Sanghamita; Prof. K.V. Thomas and Prof. Richard Hay.

world? He then requested all the Members to pass the bill unanimously.

The Bill was passed.

High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2015: The Minister of Law And Justice, Shri D.V. Sadananda Gowda moved the Motion for consideration of the Bill on 3 December 2015 and said that with the passage of time, certain provisions of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and the High Court Judges (Salaries and Conditions of Service) Amendment Act, 1954 have become redundant and out-dated. He said there are certain provisions in these two Acts which relate to the time when officers of the Indian Civil Service (ICS) were appointed as Judges. He informed that the Supreme Court, while disposing a writ petition, have given a direction in its Judgment dated 31 March 2015, that a period of ten years be added to the service of those High Court Judges who have been appointed from the Bar, for the purpose of calculation of their pension. As such, a minimum of 14 years of service was required to get a full pension. The Minister said it might not be possible for those Judges because they used to establish their office for a very lengthy time to become senior lawyer or so on. If at the age of 62, he retires and does not get the full pension benefit, it would be discrimination. Shri Gowda explained that in view the need to delete certain provisions in these Acts which have become redundant, and also to implement the judgment of the Supreme Court, it was proposed to amend these Acts and it would bring clarity in the provisions of these two Acts and comply with the directions of the Supreme Court.

Replying* to the discussion on 7 December 2015, the Minister of Law and Justice, Shri D.V. Sadananda Gowda said that as far as this Bill was concerned, he would like to base his arguments on the Articles which were laid down under the Constitution. He drew attention to Article 142 of the Constitution, which explained as to how, judgements of the Supreme Court should be responded by the Government. He said that any judgement that have been rendered by the Supreme Court need to be implemented under Article 142(1) of the Constitution, and as per the

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* Others who participated in the discussion were: Sarvashri S.P. Muddahanume Gowda; Kalyan Banerjee; Tathagata Satpathy; Vinayak Bhaurao Raut; B. Vinod Kumar; M.I. Shanavas; P.P. Chaudhary; Kaushalendra Kumar; N.K. Premachandran; Hukmdeo Narayan Yadav; Dr. Satya Pal Singh; Dr. K. Kamaraj; Dr. Ravindra Babu and Dr. A. Sampath.

directions of the Supreme Court, this had been brought as a Bill before the Parliament. An advocate for getting a pension has to complete 14 years of service, and if someone was appointed at the age of 52 or 54, then he would retire at the age of 62, and in that event, he would not be eligible for full pensionary benefits. The other thing was that an advocate, after retiring as a judge at 62 years, cannot relocate himself because he cannot practice in the same High Court. The Minister said that there were several anomalies. They might have struck down the NJAC but subsequently, they have continued the same Bench to hear some more suggestions from various corners and stakeholders. Unless it was concurred by the Chief Justice of India, the present Act does not permit to go ahead. As regards the High Court Bench, the Minister said that the State Government, with concurrence of the Chief Justice of the concerned High Court, have to move the proposal, and no such proposal have come from any of the State Government. He said that any Resolution passed by the Legislature itself would not be sufficient in this mater, and any movement by the Government was not sufficient. It should be concurred by the concerned Chief Justice of the High Court. As far as salary is concerned, the Minister said that the Seventh Pay Commission has already submitted its Report to the Government and the Government was yet to finalise it. As far as other issues are concerned, he said no serious concern have been expressed by his colleagues, except certain grievances against the Judiciary, and there was a need for some more judicial reforms.

The Bill was passed.

Indian Trusts (Amendment) Bill, 2015: The Minister of State in the Ministry of Finance, Shri Jayant Sinha moved the Motion for consideration of the Bill on 7 December 2015 and said that when the Indian Trusts Act, 1882 was formulated, Section 20 notified in a very precise and detailed way, how the financial instruments could be used to invest these funds, and added that those provisions have become completely archaic. As such, the time had come to remove those archaic provisions and to replace them with modern day financial instruments. The Minister explained that what they have said in effect was that if they put this in place, the Indian Trusts Act would be ready for the 21st Century and be able to help people who are the beneficiaries of those trusts. He explained that the amendments seek to amend Sections 20 and 20(a) of the Act, which would give the trustees, greater autonomy and flexibility in investments. He further explained that this Bill was introduced in 2009, went to the Standing Committee and most of the recommendations of the Standing Committee were accepted and that was the amendment

proposed to be considered and passed by the House.

Replying* to the discussion on 9 December 2015, the Minister of State in the Ministry of Finance, Shri Jayant Sinha said that as far as the Finance Ministry was concerned, their responsibility and scope of administration were restricted to Section 20. He explained that they have replaced the obsolete Section 20 and brought in a modern day interpretation of how this should be done. As far as the broader question about the multiple overlapping Acts, particularly those that pertain to Public Trusts and the beneficiaries in the permanent religious charitable trusts, was concerned, he informed that it was under consideration of the Law Commission and assured that as they work in repealing and amending some of these obsolete laws, they would bring some sanity to all of these Trusts as well.

The Bill was passed.

Industries (Development and Regulation) Amendment Bill, 2015: The Minister of State of the Ministry of Commerce and Industry, Smt. Nirmala Sitharaman moved the Motion for consideration of the Bill on 10 December 2015, and said that they were coming for an amendment in the First Schedule of the Industries (Development and Regulation) Act, 1951 so that they are able to transfer the authority to regulate potable alcohol to States as was recommended by the Law Commission in its 158th Report. She explained that a Constitution Bench of the Supreme Court, in the case of M/s Synthetic & Chemicals, held in 1991, that the power to issue licences to manufacture, both potable and non-potable alcohol, vested with the Central Government. Subsequently a Division Bench of the Supreme Court revised that judgement in the Bihar Distilleries Vs. Union of India case, for which the verdict was pronounced on 29 January 1997, and the Supreme Court held that manufacturing alcohol, for potable purposes, shall be under the total and exclusive control of the States in all respects, including the establishment of the distillery and levy of Central Excise Duty and so on. She opined that the amendment should have been done immediately, but there was lot of engagement with the Law Commission and they have taken their recommendations on board. As a result of that, they came before the House with amendment that the 26th heading of the First Schedule under

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* Others who participated in the discussion were Sarvashri Hukum Singh; S. Selvakumara Chinnaiyan; Bhartruhari Mahtab; Vinayak Bhaurao Raut; P.K. Biju; Rajesh Ranjan; B. Vinod Kumar; Mekapati Raja Mohan Reddy; Dushyant Chautala; Kaushalendra Kumar; Prem Das Rai and Dr. Ravindra Babu.

the Industries (Development and Regulation) Act, 1951, be read as 'fermentation industries other than potable alcohol', be considered and passed by the House.

Replying* to the discussion, the Minister of State of the Ministry of Commerce and Industry, Smt. Nirmala Sitharaman said that it was the mindset of this Government to share power with the States. She further said that the Government believe in federalism and in strengthening the hands of the States, and this amendment was aimed at taking power to the States. While agreeing with the suggestion on ethanol mix for energy efficiency and also for the sake of protecting environment, the Minister said that the Government is taking lot of steps towards it and ensuring that farmers get better price for their produce. She further explained that presently the excise duty on potable alcohol was being levied by the State Governments, and she expressed hope that eventually alcohol or ethanol which was produced, goes towards energy efficiency and improving our use in the fuel efficiency, rather than for production of potable alcohol which goes for human consumption, and have detrimental effect on human health.

The Bill was passed.

The Atomic Energy (Amendment) Bill, 2015: The Minister of State of the Ministry of Development of North Eastern Region, Minister of State in the Prime Minister's Office, Minister of State in the Ministry of Personnel, Public Grievances and Pensions, Minister of State in the Department Of Atomic Energy and Minister of State in the Department of Space, Dr. Jitendra Singh moved the motion for consideration of Bill on 14 December 2015 and said that rapid progress has been achieved in the Department of Atomic Energy. He informed that we have got 21 reactors presently and very soon we would add up six more reactors. The Minister explained that the Atomic Energy Act of India was enacted in 1962, and with rapid expansion of our nuclear programme, there were two main constraints. The Act makes it binding that all the future reactors or future establishments have to be set up by these corporations, and the financial constraints on the part of these corporations also make it difficult to proceed forward. He said that keeping these two consideration, they can have a provision of a joint venture with other government establishments including PSUs. But the Atomic Energy Act

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* Others who participated in the discussion were Sarvashri Tathagata Satpathy; Jagdambika Pal; Anandrao Adsul: P. K. Biju; Prahlad Singh Patel; Dr. Ravindra Babu and Dr. Manoj Rajoria.

of 1962 debars from entering into any kind of a joint venture. Therefore, they have tried to bring in an amendment so as to make a provision that this would be 51 per cent jointly. While explaining the definition of the government company as one not less than 51 per cent of paid up shares in the capital held by the Central Government, the Minister said that if in future, that company does not remain in government sector for any reason, then government would have the right to cancel the licence.

Replying* to the discussion, the Minister said this was a matter of great satisfaction that the nuclear programme has progressively been on the ascent. He further said that they have succeeded in achieving the goals that they have set, and informed that in the last 17 or 18 months, there have been a number of agreements and MoUs with a number of countries. While agreeing to the view on the need to exploit the fullest potential of thorium in India, he informed that the country was moving in that direction. As regards accidents, the Minister said that most of the plants are located or set up after taking care of all the possible risk factors, and also the seismic zone close to India is located in Indonesia which was more than 300 kms away, and so does not actually suffer that kind of a risk magnitude. With regard to the Civil Nuclear Liability Damage Act of 2010, the Minister said that there was no compromise on the priority given to the victim and the liability of the operator to the supplier had been kept intact so that the operator can also claim it. He also informed that the National Nuclear Pool had been instituted. On disposal of spent fuel, the Minister assured that was done in a very scientific way. He also said that the Nuclear Power Corporation of India Limited was under the purview of the RTI. The Minister further explained that a reactor is designed after full technical and cost viability tests, and over the last 60 years, not a single scientist has been affected by nuclear radiation. He felt that apprehensions, sometimes occurring spontaneously and sometimes motivated by extraneous considerations could be overcome by the collective effort of all, and by 2020, India would be having as much as 13,500 MW of nuclear power.

The Bill was passed.

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* Others who participated in the discussion were Sarvashri Prahlad Singh Patel; Tathagata Satpathy; Vinayak Bhaurao Raut; Jayadev Galla; Konda Vishweshwar Reddy; M.B. Rajesh; Y.V. Subba Reddy; Chintaman Navasha Wanga; P.R. Sundaram; Rajesh Ranjan; Bhagwant Mann; Dushyant Chautala; Gopal Shetty; Dr. Arun Kumar and Prof. Saugata Roy.

The National Waterways Bill, 2015: The Minister of Road Transport and Highways and Minister of Shipping, Shri Nitin Gadkari moved the Motion for consideration of the Bill on 21 December 2015. He said that the Bill was to further make provisions for existing national waterways and to provide for the declaration of certain inland waterways to be national waterways, and also to provide for the regulation and development of the said waterways for the purpose of shipping and navigation and for matters connected therewith or incidental thereto.

Replying* to the discussion, the Minister informed that the country has 14 thousand kilometers long coastline, 13 coastal States and 12 major ports. He explained that all the countries have their industrial establishments adjacent to rivers and such location brings down logistic cost, and added that the dream of 'Make in India', conceptualized for development of the country cannot come true without lowering the logistic cost, and that was why priority was given on waterway network. The Minister clarified that he wanted to work in close cooperation with the State Governments in setting up waterways. He also said that an annual draft of three meters depth would be maintained, and for that the rivers have to be dredged up to three meter depth, and the three meter draft and dredging would also provide water for irrigation. The Minister informed that the first pilot project involves waterways from Allahabad to Haldia stretching as long as 1620 kilometers, and three international consultants have submitted their reports on techno-economic feasibility, detailed engineering, business development, environment and social impact, cargo and business potential in Ganga. He also said that three multi-model terminals at Varanasi, Sahib Ganj and Haldia would be set up, and the government has planned to set up pre-pulling plants, cold storage, smart cities and industrial areas near the water ports. He further informed that an information system linked with satellite have

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* Others who participated in the discussion were Sarvashri Jagdambika Pal; Vinayak Bhaurao Raut; Jayadev Galla; Bheemrao B. Patil; P. Karunakaran; Mekapati Raja Mohan Reddy; Prem Singh Chandumajra; Jai Prakash Narayan Yadav; Varaprasad Rao Velagapalli; Sushil Kumar Singh; E.T. Mohammad Basheer; Ajay Misra Teni; Kaushalendra Kumar; N.K. Premachandran; K. Parasuraman; Rahul Kaswan; Saumitra Khan; Sharad Tripathi; Arvind Sawant; Gopal Shetty; Kesineni Srinivas; Chintaman Navasha Wanga; George Baker; Ramen Deka; Md. Badaruddoza Khan; Gajendra Singh Shekhawat; Rajesh Ranjan; Bhanu Pratap Singh Verma; S.S. Ahluwalia; Virendra Singh; Ravindra Kumar Pandey; Mahendera Nath Pandey; Prahlad Singh Patel; P.P. Chaudhary; Ashwini Kumar Choubey; Keshav Prasad Maurya; Dr. Ratna (Nag) De; Dr. Kulmani Samal; Dr. Kirit P. Solanki; Dr. Arun Kumar; Prof. Richard Hay; Smt. R. Vanaroja and Smt. Rama Devi.

been prepared and fishermen are going to be a largest beneficiary of this project. The Minister also informed that water flow in Brahmaputra river had been opened by Bangladesh for transportation. While acknowledging pollution as a very sensitive issue in the country, the Minister have suggested establishment of LNG terminals and use of LNG gas as fuel so that the pollution level could be lowered. He informed that the projects would be competitive in the world market and would increase exports if the logistic cost could be brought down from 30 percent to 15 percent, and requested that the Bill be passed unanimously.

The Bill, as amended, was passed.

The Payment of Bonus (Amendment) Bill, 2015: The Minister of State of the Ministry of Labour and Employment, Shri Bandaru Dattatreya moved the Motion for consideration of the Bill on 22 December 2015. He said that 'Labour' was in the Concurrent List and two ceilings are provided under the Act, namely, Eligibility Limit, which was Rs. 10,000 per month and the Calculation Ceiling, which was Rs. 3500. He explained that the Bill proposed the eligibility limit to be increased from Rs. 10,000 per month to Rs. 21,000 per month, and the Calculation Ceiling to be raised from Rs. 3,500 to Rs. 7,000 or the minimum wage for the scheduled employment.

Replying* to the discussion, the Minister said that Members have raised two very vital issues regarding the Bill. One was about eligibility and the other was about calculation limit. He informed that in the year 2007, the eligibility was Rs. 10,000 and calculation ceiling was Rs. 3,500. He further informed that the eligibility of Rs. 10,000 had been increased to Rs. 21,000 and the calculation limit had also been increased from Rs. 3,500 to Rs. 7,000. While stating that wage security, job security and social security are three vital issues, he assured to make an endeavour to evolve a consensus on this issue and would bring a National Minimum Wage Bill with statutory provisions to ensure payment of minimum wages to the workers. He explained that the Second National Law Commission gave recommendations wherein codification was there, and further codification would be done. He further said that

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* Others who participated in the discussion were Sarvashri Prahlad Singh Patel; Balbhadra Majhi; Gajanan Kirtikar; Muthamsetti Srinivasa Rao; Konda Vishweshwar Reddy; Sankar Prasad Datta; Varaprasad Rao Velagapalli; Jai Prakash Narayan Yadav; E.T. Mohammad Basheer; N.K. Premachandran; C.N. Jayadevan; M. Udhayakumar; Rajesh Ranjan; Dr. Mamtaz Sanghamita; Dr. Virendra Kumar and Smt. Aparupa Poddar.

all the 44 Central labour laws would be converged into four labour codes, and there would be no infringement on the rights of workers. While stating that this historic decision would benefit crores of workers, he requested to Bill to be passed.

The Bill, as amended, was passed.

C. QUESTION HOUR

A chart showing the dates of ballots and last dates for receipt of notices of questions during the Session was circulated to Members along with Bulletin Part-II dated 12 November 2015. The notices of Starred and Unstarred Questions for the Session were entertained *w.e.f.* 14 November 2015, the day following issuance of Summons. The last date for receiving notices of Questions was 7 December 2015.

The actual number of notices of Starred and Unstarred Questions tabled by the Members were 33,682 (SQ 21540 + USQ 12142). However, as a result of splitting few questions, where two or more Ministries were involved, the number of notices of Starred and Unstarred Questions increased to 34,132 (33,682+450). Four Short Notice Questions were also received. The maximum number of notices of Starred and Unstarred Questions included for ballot in a day were 1317 and 757 respectively, on 17 December 2015. The minimum number of notices of Starred and Unstarred Questions included for ballot in a day were 946 and 515 respectively, on 30 November 2015. The maximum and minimum number of Members whose name included in the ballot were 311 for 15 December 2015, and 215 for 30 November 2015.

All notices were examined in the light of Rules of Procedure and Conduct of Business in Lok Sabha, Directions by the Speaker, Parliamentary Conventions and past precedents, with a view to decide their admissibility or otherwise. Out of 34,132 notices of questions received including split questions, 360 notices were included in the lists of Starred Questions and 4,139* in the lists of Unstarred Questions. Four Short Notice Questions were received during the Session and all were disallowed.

The Ministry-wise break-up of admitted Notices of Questions shows that the Minister of Railways answered the maximum number of Questions (both Starred and Unstarred) *i.e.* 386, followed by the Minister of Human Resource Development who answered 365 questions (both Starred and Unstarred). The minimum number of questions (both

* One Unstarred Question deleted.

Starred and Unstarred) was 12 and answered by the Minister of Panchayati Raj.

Names of 382 Members were included in the Lists of Starred and Unstarred Questions. The maximum number of questions admitted / clubbed were 80 against the name of Smt. Supriya Sule, MP.

The maximum and minimum number of Members whose names were included in the Lists of Questions was 307 on 8 and 9 December 2015 and 239 on 23 December 2015, respectively.

Fifteen notices for Half-an-Hour Discussion were received during the Session and all were disallowed.

Only one statement was made by the Minister of Home Affairs, correcting the reply already given to a previous question in Lok Sabha.

A total of 78 Starred Questions were orally replied during the Session. The average number of Starred Questions answered orally was 4.33. The maximum number of Starred Questions answered orally on a single day were 6, on 7, 11, 16, 22 and 23 December 2015.

The average number of Unstarred Questions appearing in the Lists was 230 per day during the entire Session.

4,421 Statements were laid on the Table of the Lok Sabha in reply to Starred and Unstarred Questions during the Session and 80 copies each of the relevant Statements were sent half-an-hour before the commencement of the Question Hour to the Parliamentary Notice Office for the use of Members.

D. OBITUARY REFERENCES

During the Session, obituary references were made on the passing away of Sarvashri Roshan Lal, K. Parasuraman, Radhey Shyam Kori, A. Venkatesh Naik, Raghuvir Singh Kaushal, Vishwanath Das Shastri, Mitrasen Yadav, Balkrishna Wasnik, Sadhan Gupta, Rudra Pratap Singh, B.D. Singh, Parasram Bhardwaj, K. Gopal and Dr. Parshuram Gangwar, all former Members.

89 people who were reported to have been killed and several others injured when mining explosives stored in a building went off in Petlawad town in Jhabua district of Madhya Pradesh on 12 September 2015.

204 people who were reported to have been killed, and a large number of others were affected due to recent rains in Tamil Nadu, Andhra Pradesh and other adjoining regions of the Southern part of the country.

More than 120 people who were killed during the dastardly terror attacks in Paris on 13 November 2015.

Pilgrims who died in a crane accident that occurred on 11 September 2015 in Haram Sharief of Makkah region and in a stampede that occurred in Mina on 24 September 2015 in Saudi Arabia.

Many precious lives that were lost due to the earthquake that struck Afghanistan and Pakistan on 26 October 2015.

224 innocent people who died when a Russian Federation plane crashed over Egypt on 31 October 2015.

10 personnel of the Border Security Force (BSF) who died when their aircraft crashed in Dwarka near Delhi airport on 22 December 2015.

Members stood in silence for a short while as a mark of respect to the memory of the deceased.

RAJYA SABHA

TWO HUNDRED AND THIRTY SEVENTH SESSION*

The Two Hundred and Thirty Seventh Session of the Rajya Sabha commenced on 26 November 2015 and was adjourned *sine die* on 23 December 2015. The Rajya Sabha was prorogued by the President on 6 January 2016. In all, the House sat for 20 days during the session.

A resume of some of the important discussions held and other business transacted during the Session is given below:

A. STATEMENTS/DISCUSSIONS

Discussion on Commitment to India's Constitution as Part of the 125th Birth Anniversary Celebration of Dr. B.R. Ambedkar : A discussion on Commitment to India's Constitution as part of the 125th Birth Anniversary Celebration of Dr. B.R. Ambedkar took place on 27 November, 30 November and 1 December 2015. Initiating the discussion, Shri Arun Jaitley, the Leader of the House in Rajya Sabha and Minister of Finance, Corporate Affairs and Information and Broadcasting, said that the contribution of Dr. Bhimrao Ambedkar was not only significant in terms of framer of the Constitution, but also as a social reformer in the country. His comments, reasoning and statements regarding every aspect of the Constitution in the Constituent Assembly bear equal importance even today. He said that our constitution framers laid the foundation of democracy and made the democratic institutions *viz.* Election Commission, Judiciary, Armed Forces, stronger and independent. It is our responsibility today, he said, to revisit the working of these institutions and the Constitution made by Dr. Ambedkar and an opportunity to analyse and ponder over the subjects wherever there is need to strengthen it.

While speaking on Fundamental Rights, Shri Jaitley stated that the core values of the Constitution were expressed in the Fundamental Rights, and added that the Constituent Assembly also provided that in case of a serious threat to the country they could be suspended. Stating that the country had to pay a heavy price for this, he referred to the 1970s when Article 21, Right to Life and Liberty, was suspended by the Government. In 1977, the Government of Shri Morarji Desai

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* Contributed by the General Research Unit, LARRDIS, Rajya Sabha Secretariat

came to power and realised this great gap in the Constitution. Accordingly, the Constitution was amended and Article 21 was made permanently non-suspendable. Another issue that Shri Jaitley felt required analysis was the concept of federalism that Dr. Ambedkar had envisaged. He said that during initial 20-30 years, unitary style of Government was considered better to preserve sovereignty and unity of the country. He felt that federal feelings of India needed to be recognized now and issues like more financial powers to States, coalition Governments, regional parties becoming important part of Central Government, were emerging and evolving. This had led to the strengthening of federalism bringing up the word 'cooperative federalism'.

The Minister further spoke about separation of powers between the Legislature, Executive, and the Judiciary, and 'Independence of Judiciary'. He felt that Independence of Judiciary, as part of the basic structure was absolutely essential; however dilution of these powers was taking place by courts in terms of judicial activism on the basis of argument that if Legislature and Executive do not act, they have the power to intervene. He argued that courts have power to direct, but power to assume the function of the Legislature or the Executive was beyond the concept of 'separation of powers' envisaged by Dr. Ambedkar. To maintain the delicate balance, he said equal amount of statesmanship, vision and self-discipline was required by the Judiciary, Executive and the Legislature. Shri Jaitley further asserted that the spirit of the Constitution in matters relating to the Judiciary, today, was absolute contrary of what Dr. Ambedkar had envisaged. He said that as far as Articles 124 and 217, which dealt with appointment of Judges of the Supreme Court and High Courts are concerned, Dr. Ambedkar had stated that it had to be done by a consultative process rather than leaving on the Judiciary alone. He lamented that presently the Chief Justice of the *Collegium* decide on these appointments, leaving all else irrelevant. Stating that the Parliament, the Council of Ministers, the Prime Minister, Leader of the Opposition were equally important, he urged to discuss and ponder over these issues.

On the issue of Secularism, Shri Jaitley said under Article 14, the State shall not discriminate against anyone; Article 15 provided for no discrimination on the basis of caste, creed, religion, etc.; Article 25 provided, every man has the right to practise and propagate his religion. He said that it could be concluded from this that the Constitution as envisaged by Dr. Ambedkar was not anti-religion or pro-religion. It rejected theocracy and said that the State would not discriminate on the basis of religion. Shri Jaitley further added that under Article 15, special

provisions were made for SCs/STs and educationally and socially backward classes and Article 29 and 30 were meant for minorities. But if a person of former category was converted to a minority religion, he was entitled to get benefit of both categories. He requested all to seriously introspect over such subversive thoughts which brought such changes.

Shri Jaitley further referred to the speech of Dr. Ambedkar whereby he had expressed his concerned about how long India would be able to sustain its Independence. In this context he said that acts of terrorism should be condemned by all in one voice and nobody should ever be seen soft on them. He concluded by saying that the final tribute to Dr. Ambedkar and the Constitution he drafted would be by blocking all systems by which the Constitution or Constitutional provisions could be used to subvert democracy.

Initiating the discussion*, Shri Jesudasu Seelam (INC) paid tributes to Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel, Babu Rajendra Prasad, Maulana Azad and other Members of the Constituent Assembly by saying that they worked laboriously on the Constitution which helped all countrymen throughout these years to live in peace, tranquillity and kept the brotherhood alive. He said that the first 51 Articles of the Constitution were about the people, the citizens, the States, the Centre, the Fundamental Rights, the Directive Principles of State Policy, and thereafter came the President. This highlighted the prime position given to 'the people' while framing the Constitution. He added that there were cardinal aspects of the Constitution like democracy, secularism, equality, liberty, justice; however, equality was the core idea of Dr. Ambedkar. He further quoted Dr. Ambedkar who had said that democracy was a form and method of Government whereby revolutionary changes in the economic and social life of the people are brought about without bloodshed.

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* Others who participated in the discussion were: Sarvashri Ghulam Nabi Azad, Sukhendu Sekhar Roy, Sharad Yadav, A. Navaneethakrishnan, Sitaram Yechury, Dilip Kumar Tirkey, M. Venkaiah Naidu, Y.S. Chowdary, Praful Patel, K.T.S. Tulsi, Ram Kumar Kashyap, M.J. Akbar, Ashwani Kumar, Bhupinder Singh, Majeed Memon, K. Parasaran, P.L. Punia, Rajeev Chandrasekhar, K.C. Tyagi, Derek O' Brien, Ramdas Athawale, Tiruchi Siva, Husain Dalwai, A.V. Swamy, Anil Desai, T.K. Rangarajan, Naresh Gujral, Ram Jethmalani, Devender Goud, T., K.N. Balagopal, Ananda Bhaskar Rapolu, Ali Anwar Ansari, Ravi Shankar Prasad, Anand Sharma, Chaudhary Munvvar Saleem, Prof. Ram Gopal Yadav, Prof. Mrinal Miri, Dr. Karan Singh, Dr. K. Keshava Rao, Dr. Satyanarayan Jatiya, Dr. Bhalchandra Mungekar, Dr. Tazeen Fatma, Shrimati Smriti Zubin Irani, Shrimati Kanimozhi, Shrimati Sasikala Pushpa, Km. Mayawati and Kumari Selja.

Regarding Uniform Civil Code, Shri Seelam pointed that Dr. Ambedkar had said in the Constituent Assembly that it could not be implemented by force. Dr. Ambedkar made a very thought provoking statement by saying that the sovereignty of scriptures of all religions must come to an end, if we want to have a united, integrated and modern India. He felt that SCP (Special Component Plan) and TSP (Tribal sub Plan) legislation for SCs and STs respectively, vital to meet the gap between the developmental indices of the general community and the weaker sections, needed to be legitimized and the 93rd Constitutional Amendment, made to insert Clause 5 in Article 15 giving reservation in private educational institutions to SCs/STs and OBCs required to be implemented fully.

Participating in the discussion, Shri D. Raja (CPI) hailed Dr. Ambedkar by saying that the man who burned down *Manusmriti* emerged as the prime architect of Indian Constitution with the tremendous contributions made by a galaxy of leaders in the Constituent Assembly. He quoted former President of India and former Chairman of the Rajya Sabha, Shri K.R. Narayanan, who called Dr. Ambedkar a compassionate rebel. He stated that Dr. Ambedkar did not succumb to pressures of the situation which prevailed during the making of our Constitution; he was very firm that India should emerge as a Democratic Republic and should not adopt Presidential form of Government. Dr. Ambedkar was very clear that any Government should be a responsible one rather than a stable one.

Shri Raja further said that Dr. Ambedkar joined the Constituent Assembly with the aspiration of protecting the interests of the Scheduled Castes. He was of opinion that the idea of India as a nation was actually a great delusion, as people were divided into several thousands of castes and could not be a nation, in the social and psychological sense. Shri Raja said that the Government would have to consider extending the policy of reservation to private sector. He reminded that private sector availed facilities of the Government and nationalised banks, however they did not follow a non-discriminatory recruitment policy. He said that they must abide by the law of land and provide reservation for SCs and STs. He further said that atrocities against the SCs and STs were increasing and the law pending in this regard needed to be passed immediately. While stating that Dr. Ambedkar fought for gender equality, he requested Parliament to pass law on women's reservation and urged Parliament to stand by the policies and principles of Dr. Ambedkar.

The Prime Minister, Shri Narendra Modi, thanked all the Members for expressing their opinions and said that in a democratic country like

India, the Constitution had been the only source of guiding force to move forward. He stated that the coming generations of the country should not only be aware about the various Articles of the Constitution, but also the background behind the framing of the Constitution, the contribution of all the great personalities involved, and their foresighted approach. He said that they had contemplated about the conditions which would crop after 50-60 years and had thought about the safeguards accordingly. He added that a law was made in one session and amendments are proposed in the next session due to follies, the reason being that the things are not being thought in the light of the Constitution and fell prey to politics. Despite all the pressures and differences of opinion, the Constitution was framed with consensus, which inspires all even today. He said that it was their responsibility, as framers of laws, to work on this pattern. While highlighting the significance of Rajya Sabha, he quoted Shri Gopal Swami Ayengar, who had said in the Constituent Assembly, that wherever there is federal set up across the world, the practical need for another House has been felt. He mentioned that Rajya Sabha was basically to hold dignified debate on significant issues and delay a law introduced out of transient outburst of momentary agitations until they calm down and the remedies for them were not thought out peacefully by the legislature. Hence, the existence of the second House facilitates in delaying the proceedings which have been started in haste and gave opportunity to the experienced fellows to participate in the debate with knowledge and seriousness without any involvement to political controversies. He also quoted Pandit Nehru who had said that successful implementation of the provisions of our Constitution, like any democratic structure, depends much on the mutual cooperation of both the Houses.

The Prime Minister further stated that the Parliament had bestowed some universal powers upon them and they must be exercised though proper wisdom and sagacity. He stated that Members of the Constituent Assembly would never have thought that the Ethics Committee would have to be constituted, and added that in case some instances of misconduct on the part of some Members, it was the responsibility of the House to deal with the matter to maintain its dignity. He emphasized on the need to recall principles of the Ethics Committee to ensure that no such mistakes were committed. The Prime Minister further said that the Constitution was not limited to being a source of legal guidance, but also a social document, as it enshrines the principle of equality and advocates social justice for all. He stated that by working within the ambit of Constitution, equality may be attained but to alleviate year's

old evils of society it was necessary to embed the values of compassion and love by spreading awareness and through sensitization.

Recalling Sardar Patel's role in creating a united India, the Prime Minister said that the idea of unity should be central to the country like India since India had been a country of 125 crore people and some people might find reasons to create divisions in the country. In this regard he quoted an old saying, *"Rashtrayaam jaagryaam vayam" i.e.* eternal vigilance is the price of liberty. He also apprised the House about his idea of *'Ek Bharat Shresht Bharat',* aimed to enhance the unity and integrity of the country through various means *viz.* organising inter-cultural programmes.

While talking about the views of Baba Saheb on economy, the Prime Minister said that he was of the view that industrialisation was necessary for creating opportunities of employment for dalits, as they did not have land. Dr. Ambedkar had said that it was the responsibility of the State to formulate such schemes which could elevate agricultural productivity; however in doing so other avenues should not be closed. Opportunities of business should be created and profit should be distributed equally among all. He further informed that to enhance production in agriculture, Dr. Ambedkar had advocated for enhanced applicability of capital and machinery, along with curtailment of labour force in non-productive agriculture sector. This would ease pressure of labour force in agriculture sector and this labour, when deployed in productive agricultural and industrial tasks, would provide livelihood as well as increase production. Hence, industrialization itself had been the remedy for all agriculture related problems of India. The Prime Minister thanked all the Members who participated in the discussion for putting forward excellent points in the light of which, he said, all should endeavour to take the society forward. He once again paid obeisance to Baba Saheb Ambedkar and to all the great men who had worked with him.

Short Duration Discussion on Damage Caused Due to Monsoon and Floods in Some States, Especially Tamil Nadu: Initiating the discussion on 2 December 2015, Smt. Kanimozhi (DMK) said that Tamil Nadu had been subjected to a big disaster due to incessant rains. She informed that that Chennai, along with, Kanchipuram, Thanjavur, Nagapattinam, Thiruvarur had been badly affected and Cuddalore was one of the worst affected areas. As a result, airports were closed, services of trains and buses had been stopped, no vehicle could ply on streets and the only way to reach people was through boats. She said that around 250 people had died due to flood and lakhs of people were displaced from

their homes, and urged the Central Government to declare the calamity a national disaster. She said that State Government's initial announcement of Rs. 500 crores towards relief and rehabilitation had been insufficient as compared to the damages. Though, the State Government had estimated the damages caused by the torrential rains at Rs. 8,481 crores, the Central Government had sanctioned only Rs. 839 crores initially and insisted for an early release of more funds by the Central Government to help tide over the situation. Smt. Kanimozhi further said that once the water recedes, there would be an outbreak of water-borne diseases and the Government should be prepared to deal with that situation. She requested the Central Government to send another high-level delegation to assess the extent of the damages caused by the recent spell of rains and accordingly revise its relief measures and suggested for an all-party Parliamentary Delegation to visit the most affected areas and submit report to the Parliament with recommendations.

Participating in the discussion*, Dr. E.M. Sudarsana Natchiappan (INC) said that it had been a great calamity for the Chennai city and other coastal areas of Tamil Nadu. He further said that though rehabilitation work was supervised by the Central Government team, the statutory provisions available in the blueprint of the Disaster Management Act 2005 were not being followed by the Disaster Management Committee. Shri Natchiappan said the Act stipulates that when there is a natural disaster, course of action should start with prevention, mitigation and preparedness and these three areas had not been implemented properly, and added that without scientific methods, knowledge network and data, such disaster could not be predicted. While drawing the attention towards Koovam river, Adyar river and Buckingham Canal which could serve as outlets for rain water from Chennai city, he pointed that the Britishers had made excellent provisions for immediate drying up of rainwater in case of such happenings. He requested the Central Government to immediately rush in the Naval Force, Air Force and Military to dredge the canals quickly so that water goes into sea. While requesting that it should be treated as a national project instead of leaving it on the State Government, he stressed on the need for early

* Others who participated in the discussion were: Sarvashri Basawaraj Patil, Vishambhar Prasad Nishad, K.C. Tyagi, Derek O' Brien, A. Navaneethakrishnan, K.N. Balagopal, Bhupinder Singh, C.M. Ramesh, D.P. Tripathi, K. Parasaran, D. Raja, Ajay Sancheti, Jesudasu Seelam, S. Muthukaruppan, Ambeth Rajan, Tiruchi Siva, Tarun Vijay, Ramdas Athawale, B.K. Hariprasad, Sanjay Raut and Shrimati Renuka Chowdhury,

filling up of vacancies in disaster management system to facilitate better co-ordination between the Central and State governments. He requested for pooling up of all the materials, machines, human resources, scientific technology under the command of the Government of India to facilitate the rehabilitation process and also proper coordination amongst all Departments to work out the situation.

Joining the discussion, Shri N. Gokulakrishnan (AIADMK) highlighted the flood situation in Puducherry and Karaikal regions and said that like most part of Tamil Nadu, these regions had been battered by the heavy and incessant rains making the drainage of storm water difficult. As a result the stagnated water had invaded the low lying residential areas and agricultural fields. He informed that 17,317 acres of crops had been inundated, affecting 12,000 farmers. All roads had become unfit for transportation and would have to be re-laid. While thanking the Central Government for sending a team immediately to assess the losses, he requested to depute one more team to assess the further damages and appealed to the Central Government to release at least Rs. 100 crores as an interim relief immediately without waiting for the assessment report.

Replying to the discussion on 3 December 2015, the Minister of Home Affairs, Shri Rajnath Singh said that the flood situation in Chennai was very alarming and critical. He informed that the Prime Minister had left for Chennai that day and would visit Puducherry and Andhra Pradesh also. While explaining as to how the situation erupted, the Minister said that the North-East Monsoon entered Tamil Nadu on 28 October 2015 and the formation of low pressure zone in the Bay of Bengal caused heavy rainfall in Cuddalore, Chennai, Tiruvallur and Kancheepuram districts since 8 November 2015; other districts of Tamil Nadu and different parts of Andhra Pradesh also suffered heavy losses due to rains. He said that a total of 330 mm rainfall was recorded during 1st and 2nd December, which broke the record of the last 100 years in Chennai. As the water level went above the safety level in Chembakam reservoir, he said, 25,000 cusec water had to be released, raising the water level in Adayar river.

Shri Rajnath Singh further stated that all the roads connecting to Chennai were totally blocked making relief operations extremely difficult and telephone services and power supply had also been hampered. He said that there had been 269 casualties in Tamil Nadu, 2 in Puducherry and 54 in Andhra Pradesh. As for the relief measures, he said that the Central Government was providing all possible assistance to the State Governments–28 teams of National Disaster Response Fund (NDRF),

having 944 personnel and 102 boats, along with 2 columns of Army (102 personnel) had been deployed in Tamil Nadu for relief and rescue operations; 2 teams of NDRF having 70 personnel and 8 boats, and 6 teams having 211 personnel and 21 boats, had been deployed in Puducherry and Andhra Pradesh, respectively. Similarly, Army, Navy and Air Force was also rescuing people and distributing food packets. Due to water logging, he said, train services were totally suspended at Chennai Railway Station. He also informed that 2000 passengers stranded at the Chennai Airport had been rescued and efforts were on to rescue the remaining 300 passengers. He assured the House that the Central Government would provide all possible assistance to the States as and when required.

Short Duration Discussion on Situation in Nepal and State of Indo-Nepal Relations: Initiating the discussion on 7 December 2015, Shri Pavan Kumar Varma (JD[U]) said that the country's relations with Nepal were in a crisis and anti-India sentiment in Nepal was growing. He highlighted the problem of the *Madhesi* people in Nepal who were being killed and whose legitimate demands were being thwarted *viz*. geographical demarcation of constituencies, citizenship, representation on the basis of population etc. He further said that this was a very crucial phase of time when Nepal's constitution, which had become the bone of contention and cause of instability in strategic relationship of both the countries, was being developed. He questioned whether such decision taken at a critical phase when their Constitution was being finalised, was best to be taken in terms of the sustained persuasive diplomacy and felt that considering the importance of the matter, the Prime Minister himself should have invested more energy to ensure that the impasse, currently existing, did not occur. He stated that an all party delegation could have been put together to reinforce our efforts in interaction with Nepal as many political leaders, cutting across the party lines, had excellent relations with the leaders of Nepal. Shri Varma felt that internationalizing the problem by criticising Nepal at the U.N. Human Rights Council, including critical references to Nepal in joint statements with the Maldives and the U.K., had not been a wise decision. He stated that it was a bilateral relationship and third party mediation was not required in our relations with Nepal. Stating that the Nepal was a sovereign country, he said India's role should be that of a friendly and effective mediator, and not of a big brotherly intruder in its internal affairs. On blockage of border, he said that the Nepalese leadership thought that the blockage was from Indian side and Indian Government said that the stoppage of essential supplies was because of the protest of the *Madhesi* people, the fact remained that winter was coming and at this

juncture of humanitarian crisis, it was necessary to end the unstable situation of shortage of goods in Nepal. He concluded by saying that people of Nepal could not be penalised on account of this problem and India's intervention must be for a peaceful, stable, democratic and united Nepal.

Participating in the discussion*, Shri Md. Nadimul Haque (AITC) said that after ten years of civil war and the nine-year-long initiative of framing a new Constitution, it was hoped that Nepal would enter into an era of peace and progress in a democratic and federal structure. However, the *Madhesi* and the *Tharu* residents of Terai plains had been protesting against the provisions of the Constitution relating to federalism, political representation and inclusion. He said that we must take into consideration the fact that the *Madhesis* and *Tharus* have social, cultural and religious links with Indians living across the border. The interim Constitution of Nepal of 2007 provided for the proportionate inclusion of *Madhesis* and other similarly situated groups in the State organs, whereas the present Constitution did not have such a provision. The present Constitution provided that only citizens by descent would be eligible to hold public offices like the President, the Prime Minister, Chief Justice, Chief Secretary and Chiefs of other bodies, *etc*. and this clause could have a discriminatory effect on *Madhesis* because it excluded many of those who have acquired citizenship by naturalisation. Citizenship by naturalisation is primarily acquired by those who are born to a Nepali parent and a foreigner and *Madhesis* tend to marry persons from across the Indo-Nepal border. In demarcating the seven provincial boundaries, the Nepal's Constitution had merged 12 of the 20 districts of the Terai region with various hill provinces which as argued by the *Madhesis* and *Tharus*, would allow hill districts to dominate in their provinces and deprive them of resources. Shri Haque said that before raising the emerging issues regarding India-Nepal relations at an international level, it would have been better for the Government to continue the process of dialogue with the Government of Nepal keeping in mind the long-standing friendly bilateral relations. He welcomed the meeting between the Minister of External Affairs and the Deputy Prime Minister and Foreign Minister of Nepal where discussions were held on four key issues concerning *Madhesis*, *i.e.* (i) Constituency Delimitation,

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* Others who participated in the discussion were: Sarvashri Sharad Yadav, Ravi Prakash Verma, Salim Ansari, T.K. Rangarajan, D.P. Tripathi, V.P. Singh Badnore, Bhupinder Singh, Mani Shankar Aiyar, Dr. Karan Singh, Dr. C.P. Thakur, Shrimati Vijila Sathyananth and Shrimati Renuka Chowdhury.

(ii) Political Representation, (iii) Citizenship and (iv) Demarcation of provinces.

Joining the discussion, Shri D. Raja (CPI) said that there was a perception that India did not take a positive stand towards the adoption of Constitution by the Nepali people and was behind the blockade at border due to which the people of Nepal were unable to get medicines, LPG, diesel and other essential commodities. He further said that since Nepal was a land-locked country and considering its age-old friendship with India, India should ensure that Nepal did not face such a humanitarian crisis and get the goods on time. While stating that India was not behind such disruptions and blockade, he requested the Government to allow international and national media to go and report to the world about the truth. He further mentioned about the Indo-Bangladesh Boundary Agreement which was passed unanimously after having consultation with the border State Governments of Bengal, Assam and other North-Eastern States and added that in the case of Nepal and Sri Lanka too, the approach given by the respective bordering State Governments must be given due consideration.

Replying to the points raised by the Members, the Minister of External Affairs and Minister of Overseas Indian Affairs, Smt. Sushma Swaraj, said that it had been a sensitive debate and almost all the Members expressed their concern, both for the Nepalese who were suffering due to crisis of essential commodities, and also for those *Madhesis*, who were agitating for justice and for their rights. The Minister stated that the Government came to power on 26 May 2014 and on 2 July 2014, she was the first External Affairs Minister who was in a Joint Commission meeting with Nepal, held after 23 years. The meeting opened a new chapter of friendship between the countries and on 4 August 2014, the Prime Minister visited Nepal. While clarifying that terming the Government's attitude as that of a 'Big Brother' was wrong, she said it should rather be called an Elder Brother's approach, a caring and sharing approach without any arrogance. She informed that India declared an assistance of US $ 1 billion to Nepal, apart from the US $ 1 billion already given to them and all the assistance amounted to approximately Rs. 12,000 crores. She informed that India's 70 percent supply goes through Raxoul and Birgunj and rest 30 percent through other posts where there is no blockade. Hence, trucks involved in supply of petrol and medicine were being re-routed through these posts to restore their supply and the Government had also offered to send medicines by air route or to procure them directly from the companies and reimbursement to these companies to be made by India.

The Minister agreed with the apprehension of some Members that if the agitation of *Madhesis* became violent, it would have drastic effect in India. She informed that indications came as if drafting of the Constitution in Nepal was being postponed, and suddenly one day, a meeting of Constituent Assembly in Nepal was called and within two days, the Constitution was passed without any discussion. She also said that it did not have the provisions about *Madhesis* which were available in actual Interim Constitution *viz.* their representation on the basis of population and their proportional inclusion. Nevertheless, the Constitution in Nepal was promulgated and agitation by *Madhesis* began. Hence, within a few days of the promulgation of the Constitution, two amendments, having provisions for *Madhesis*, available in the Interim Constitution, were ratified by the Cabinet. As regards sending a parliamentary delegation to Nepal, the Minister said that the Government was ready for that and shared the same sentiments as that of the House and want to resolve the situation at the earliest through political agreement. She stated that efforts were on to create an environment for such agreement through talks with the Foreign Minister of Nepal and with the *Madhesi* leaders.

Statement regarding Visit of External Affairs Minister to Islamabad and Recent Developments relating to Ties between India and Pakistan: The Minister of External Affairs and Minister of Overseas Indian Affairs, Smt. Sushma Swaraj briefed the House on 14 December 2015 about her recent visit to Islamabad, Pakistan, leading the Indian delegation to 'Heart of Asia' Ministerial Conference on Afghanistan and about recent developments regarding ties between the two countries during the visit. She informed that it was Fifth Ministerial Conference of the 'Heart of Asia–Istanbul Process' held between 8 and 9 December 2015 in Islamabad and its purpose was to enhance cooperation in security and promoting connectivity.

The Minister said that India had actively participated in the 'Heart of Asia–Istanbul Process' since its beginning. She explained that the process brought together immediate and extended neighbourhood countries, supporting countries and international organizations having friendly relations with Afghanistan to promote political consultations and regional cooperation for a united, democratic, independent, strong and prosperous Afghanistan. She further proposed for a direct transit from Afghanistan to India through Pakistan. In the context of relations between India and Pakistan, she advocated for working together with confidence and maturity for peace and development in South Asia. The Minister further informed the House that she met with the Pakistan Prime Minister,

Shri Nawaz Sharif and also held discussions with her Pakistani counterpart, Shri. Sartaj Aziz. She recalled the visit of the Prime Minister of Pakistan to attend the swearing-in ceremony of the new Government and said this had reflected their commitment to maintain good neighbourly ties with Pakistan. In the first meeting between the two Prime Ministers during that visit, Mr. Nawaz Sharif was apprised about the Indian Government's views on India-Pakistan ties and its concern on terrorism and violence. The two Prime Ministers thereafter met in Ufa in July 2015, and agreed that they had collective responsibility to ensure peace and promote development. During the meeting, the Prime Minister was invited by Mr. Nawaz Sharif to visit Islamabad for attending the SAARC Summit in 2016. In Paris, during 21st Conference of Parties (CoP), the two Prime Ministers met and as per the decision, the National Security Advisors (NSAs) of the two countries met on 6 December 2015 at Bangkok to focus on peace, security, terrorism, tranquillity along the Line of Control and Jammu & Kashmir.

The Minister stressed on the need for Pakistan to expedite the Mumbai terrorist attacks trial and her Pakistani counterpart reciprocated by assuring about the steps being taken in this regard. Accordingly, decision was taken to begin a dialogue with Pakistan under the new title "Comprehensive Bilateral Dialogue". She stated that the Foreign Secretaries of both the countries had been tasked to work out modalities and schedule of the meetings under the new Dialogue.

The Minister assured the House that the Government accords the highest priority to the country's security and said that the new Dialogue with Pakistan had twin aims of removing hurdles in the path of a constructive engagement by addressing issues of concern, and at the same time, of exploring and establishing cooperative ties through trade, connectivity, people-to-people exchanges and humanitarian issues. She expressed hope that the new Dialogue would mark a new beginning for peace and development in the whole region.

Statement regarding 21st Conference of Parties held from 30 November to 12 December 2015 at Paris, France: Making a statement in the House on 16 December 2015, Shri Prakash Javadekar, the Minister of State of the Ministry of Environment, Forest and Climate Change, informed the outcome of 21st Conference of Parties (CoP) under United Nations Framework Convention on Climate Change (UNFCC) which was held in Paris from 30 November to 12 December 2015. He said that the CoP adopted a new Paris Agreement under the UNFCCC which would be open for signing by the Parties between 22 April 2016 and 21 April 2017. It concluded the work of Ad Hoc Working Group on

the Durban Platform for Enhanced Action set up in 2011.

Shri Javadekar informed that their approach during the negotiations was guided by the Cabinet mandate, the national consensus and the long term interests of India for having space for development and growth to provide basic services and energy access to all our citizens and eradication of poverty balanced with the need for combating climate change. Stating that India had been able to secure its interest and that of the developing countries in this Agreement, he highlighted some of its features. The Minister further informed that the Agreement sought to contain the increase in the global average temperature to well below 2 degree centigrade above pre industrial levels and to further make efforts to limit it to 1.50C. In order to achieve the long term temperature goal, the Paris Agreement sought to aim at the global peaking of emissions by the 2nd half of the century, while recognizing that the timeframe for peaking will be longer for developing countries. He said that the country driven nature of the contributions had been preserved as was strongly advocated by India. A 5 year communication-cycle for Nationally Determined Contributions (NDCs) had been agreed to. This would apply to India, Post- 2030 as India had submitted a 10 year (2021-2030) time frame for Intended Nationally Determined Contribution (INDC) and only a re-confirmation would have to made regarding INDC for 2025-2030.

Shri Javadekar further added that the Agreement maintained differentiation in mitigation actions of developed and developing countries by mandating that developed countries should continue to take the lead and undertake absolute targets, while developing countries should continue to enhance their mitigation efforts and were encouraged to move over time towards absolute targets. A Global goal had been established to increase the adaptive capacity and the Agreement mandated an obligation to developed countries to provide financial resources to developing countries for effective implementation of their mitigation and adaptation actions. Further, collaborative approaches to facilitate Research and Development through finance had been provided for. He informed that a new Paris Committee would work out the modalities for enhancing capacity building activities in developing countries under the Agreement. He said that provision for Loss and Damage had also been accorded in the agreement which would help the coastal areas and vulnerable islands of the country.

The Minister stated that the Conference also witnessed the launch of the historic International Solar Alliance by the Prime Minister of India along with the President of France on 30 November 2015. Shri Javadekar said that the Paris Agreement acknowledged the development imperatives

of India and other developing countries, and also their efforts to harmonize development with environment.

B. LEGISLATIVE BUSINESS

The Juvenile Justice (Care and Protection of Children) Bill, 2015[1]: On 22 December 2015, the Minister of Women and Child Development, Smt. Maneka Sanjay Gandhi, initiated the discussion on motion for consideration of the Juvenile Justice (Care and Protection of Children) Bill 2015[2], which was moved by her on 22 July 2015. The Juvenile Justice (Care and Protection of Children) Act was enacted in 2000 to provide for the protection of children. The Act was amended twice in 2006 and 2011 to address gaps in its implementation and make the law more child-friendly. However, the data collected by the National Crime Records Bureau establishes that crimes by children in the age group of 16-18 years have increased especially in certain categories of heinous offences. To address these issues it was proposed to repeal existing Juvenile Justice (Care and Protection of Children) Act, 2000 and re-enact a comprehensive legislation *inter alia* to provide for general principles of care and protection of children, procedures in case of children in need of care and protection and children in conflict with law, rehabilitation and social re-integration measures for such children, adoption of orphan, abandoned and surrendered children, and offences committed against children.[3] The Minister informed that the Bill proposed to reduce the age of a juvenile from 18 years to 16 years for the purpose of allowing a juvenile to go to jail, if it is perceived that he has committed a heinous crime with an adult mind *viz.* murder, rape, arson. She further explained that a juvenile who had committed crime of heinous category would first go before a Juvenile Justice (JJ) Board. The Board would have psychologists, social workers and experts. They would decide whether he had committed the crime with an adult mind or a childish mind, considering the circumstances under which it was done. If the Board decides that the child committed the crime with a child's mentality, he would get the benefit of the doubt and go for three years into reforms school. However, if it was perceived that it was a thought-out, adult, mature crime, then the JJ Board could decide that the child should go into the adult system. They would appear before the court which would further decide whether they would be penalised as

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1 The Bill as passed by the Lok Sabha was placed on the table of the House on 7 May 2015.

2 The Bill was moved by the Minister on 22 July 2015.

3 Extract from the 'Statement of Objects and Reasons'.

per adult system or a juvenile system. If they were sent to adult jail, even then they would have the power of appeal in High Court and Supreme Court. Also, they would not be put into normal adult jail but in a children's jail–a borstal. At the age of 21, there would be another check on them to see if they have reformed according to which they would be released. If it was found that they still have criminal bent of mind, they would serve their full sentence. She further said that though only a small percentage might go to jail due to this Bill, it would certainly put a check on the crimes committed by the juveniles.

Replying to the points raised by the Members* regarding education and reform in the places of detention, the Minister clarified that provisions had already been provided in this regard under Section 93 of the Act. She further informed that a new system called the *Mahila* Special Police Officer was being initiated in every village to ascertain about the crimes not being reported or which had not been noticed *viz.* beating up of children and wives. It would act as another deterrent. Regarding less number of JJ boards, she informed that they had been set up in all districts now and added that to improve the condition of juvenile homes, the persons involved in them would be trained, there would be inspection and social audit of juvenile homes, and the best NGOs of the country had been involved to see what was required to make such homes better. As to allegation that the Government had spent much less in this direction, she informed that the financial norms under the revised scheme for all JJ Boards and Homes were enhanced from 1 April 2014. As for the need to address the menace of poverty to check crime, she argued that poverty was not the only reason of turning children into criminals or else why a miniscule percentage of poor turn into criminals when others are equally poor. She, however, stated that the Governments had always been trying to diminish it. As regards qualification of the Juvenile Justice Board members, she said that it had been referred in Clause 4(2) and 4(3) of the Bill. On a query regarding listing of heinous crimes, she informed that they had been listed by the IPC under crimes providing imprisonment of 7 years or

* Other Members who took part in the discussion were: Sarvashri Ghulam Nabi Azad, Narayan Lal Panchariya, Ravi Prakash Verma, Derek O'Brien, A. Navaneethakrishnan, Satish Chandra Misra, Ritabrata Banerjee, Dilip Kumar Tirkey, K.T.S. Tulsi, Rajeev Chandrasekhar, Anil Madhav Dave, Ram Kumar Kashyap, Sanjay Raut, Anand Sharma, Ramdas Athawale, Naresh Gujral, A.V. Swamy, Prof. M.V. Rajeev Gowda, Dr. K. Keshava Rao, Dr. Vijaylaxmi Sadho, Shrimati Kanimozhi, Shrimati Viplove Thakur, Shrimati Vandana Chavan, Shrimati Kahkashan Perween, Shrimati Rajani Patil, Shrimati Renuka Chowdhury and Ms. Anu Aga.

more. As for rehabilitation of victims, she said there were existing schemes which were being implemented by the States, and the Government was also helping victims by starting 'One Stop Centres', and Victim Compensation Schemes had also been set up. Regarding apprehension about unnecessary pulling up of orphanage caretakers, she clarified that child care institutions would not be punished for technical violations, but only when a child is inflicted to corporal punishment. She further said that the process of indicting a criminal had been designated in a way that it would be better to have one criminal let off than getting an innocent person into a system.

The motion for consideration of the Bill and clauses etc. were adopted.

The Bill was passed.

The Atomic Energy (Amendment) Bill 2015[4]*:* On 23 December 2015, the Minister of Urban Development; Minister of Housing and Urban Poverty Alleviation; and Minister of Parliamentary Affairs, Shri M. Venkaiah Naidu, moved the motion to consider the Atomic Energy (Amendment) Bill 2015 to amend the Atomic Energy Act, 1962. He said that the Act empowers the Central Government to produce, develop, use and dispose of atomic energy either by itself or through any authority or corporation established by it or by a Government company and carry out research in any matters connected therewith. At present, only two Public Sector Undertakings (PSUs), namely, Nuclear Power Corporation of India Limited (NPCIL) and Bhartiya Nabhikiya Vidyut Nigam Limited (BHAVINI), which are under the administrative control of Department of Atomic Energy, are operating nuclear power plants in the country. The Minister informed that formation of Joint Venture companies by NPCIL with other PSUs of India for civil nuclear power projects was under consideration to meet the additional funding requirements for expanding nuclear power programme and augmenting the nuclear power generation capacity of India. He further said that the Act defines the expression "Government company" to mean a company in which not less than fifty-one per cent of the paid-up share capital is held by the Central Government, and thus precludes a Government company from entering into Joint Ventures with other PSUs for the above said purposes for the reason that any Joint Venture company formed by two PSUs may not be subject to the control of the Central Government as

[4] The Bill as passed by the Lok Sabha was laid on the table of the House on 15 December 2015.

a shareholder. The Minister explained that the Atomic Energy (Amendment) Bill, 2015 seeks to overcome this difficulty by amending the definition of "Government company" under clause (bb) of sub-section (1) of section 2 of the said Act with a view to expand its scope by including such Joint Venture companies as may be formed between NPCIL and other PSUs. He further said that this Bill also proposed to make a consequential amendment in section 14 of the said Act to enable the Central Government to issue licence to such Joint Venture companies to set up nuclear power plants, take measures for their safe operation and to ensure disposal of nuclear material, and further provide for cancellation of licence in case the licensee ceases to be a Government company[5].

Participating in the discussion, Shri Jairam Ramesh (INC) asked whether the Government's proposal for Joint Ventures on all new nuclear projects, with Government having 51 per cent cap, would apply on private companies also. In response, Shri Jitendra Singh, the Minister of State in the Department of Atomic Energy, clarified that the Bill envisaged Joint Ventures only with the public sector companies.

The motion for consideration of the Bill was adopted and clauses, etc. were added. The bill was passed.

The Payment of Bonus (Amendment) Bill 2015 [6]: On 23 December 2015 the Minister of State for the Ministry of Labour and Employment, Shri Bandaru Dattatreya, moved the motion for consideration of the Payment of Bonus (Amendment) Bill 2015 and said that the bill sought to amend the Payment of Bonus Act 1965 which was enacted with a view to provide for the payment of bonus to persons employed in certain establishments on the basis of profits or on the basis of production and for matters connected therewith. He further explained that after considering various representations received from trade unions, individuals and various associations, the Central Government decided to bring this Bill, which sought to enhance the eligibility limit for payment of bonus from Rs. 10,000/- to Rs. 21,000/- per month and to raise the calculation ceiling from Rs. 3,500/- per month to Rs. 7,000/- per month or the minimum wage for the scheduled employment, as fixed by the appropriate Government, whichever is higher. The Minister also informed that Section 38 of the Act empowered the Central Government

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5 Extract from the 'Statement of Objects and Reasons'.

6 The Bill as passed by the Lok Sabha was laid on the table of the House on 22 December 2015.

to make Rules for the purpose of giving effect to the provisions of the Act, and the Bill also propose to insert an enabling provision providing for prior publication of the Rules for the purpose of inviting objections and suggestions in tune with the other legislations pertaining to welfare of labour[7]. The Minister requested that the Bill be passed.

Making clarification on a point, Shri Arun Jaitley, Minister of Finance, said that there were only two significant changes in the Bill. First, it was a 2015 Act as it was being passed in the month of December 2015. However, it would be applicable from 1 April 2014 so that the bonus would be retrospectively applicable for the year 2014-15. Secondly, the limit of ceiling, which was changed from Rs.10,000/- to Rs. 21,000/-.

The motion for consideration of the Bill and clauses, etc. was adopted.

The Bill was passed.

C. QUESTIONS

During the Session, 8,607 notices of Questions (5,718 Starred and 2,889 Unstarred) were received. Out of these 269 Questions were admitted as Starred and 2,879 Questions were admitted as Unstarred. The total number of Starred Questions orally answered was 27. The total number of Questions received in Hindi was 1,479.

Daily average of Questions: All the lists of Starred Questions contained 15 Questions each, however, out of these 1 Question was withdrawn on 23 December 2015. On an average, 1.5 Questions were orally answered, for all the sittings having Question Hour. The maximum of Questions orally answered was 7 on 7 December 2015 and the minimum number of Questions orally answered was 1 each on 3, 14 and 23 December 2015.

The list of Unstarred Questions contained 160 Questions each, however, out of these 1 Unstarred Question was withdrawn on 1 December 2015.

Half-an-Hour Discussion: 4 notices of Half-an-Hour Discussion were received; however none of them was discussed.

Short Notice Questions: 6 notices of Short Notice Questions were received, however none of them was admitted.

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[7] Extract from the 'Statement of Objects and Reasons'.

D. OBITUARY REFERENCES

During the Session, obituary references were made on the passing away of Prof. Ram Kapse, Dr. Rudra Pratap Singh, Shri N. Rajendran, Dr. M.A.M. Ramaswamy, Shri Sharad Anantrao Joshi, Shri Bir Bhadra Pratap Singh, all former Members of Rajya Sabha and Shri Khekiho Zhimomi, sitting Member of Rajya Sabha.

Members stood in silence for a short while as a mark of respect to the memory of the deceased.

STATE LEGISLATURES

ASSAM LEGISLATIVE ASSEMBLY*

The Sixteenth Session of the Thirteenth Assam Legislative Assembly commenced on 7 December 2015 and was adjourned *sine die* on 11 December 2015. There were 5 sittings in all.

Financial Business: On 7 December 2015, the Chief Minister, Shri Tarun Gogoi who also holds the Finance portfolio, presented the Supplementary Demands for Grants and the Supplementary Appropriation for the year 2015-16 and the same was passed by the House on 9 December 2015. The Assam Appropriation (No. 4) Bill, 2015 was introduced, considered and passed by the House after discussion.

Obituary References: During the Session, obituary references were made on the passing away of 14 leading personalities.

MANIPUR LEGISLATIVE ASSEMBLY**

The Twelfth Session of the Tenth Manipur Legislative Assembly commenced on 18 December 2015 and was adjourned *sine die* on 21 December 2015. There were 2 sittings in all.

Legislative Business: During the Session, The Manipur Municipalities (Ninth Amendment) Bill, 2015; and The Manipur Motor Vehicle Taxation (Second Amendment) Bill, 2015 were introduced, considered and passed by the House.

Obituary References: During the Session, obituary references were made on the passing away of Lt. Gen. V.K. Nayar and Dr. Syed Ahmed, both former Governors of Manipur.

UTTARAKHAND LEGISLATIVE ASSEMBLY***

The Second Session of the year 2015 of the Third Uttarakhand Legislative Assembly commenced on 2 November 2015 and was adjourned *sine die* on 3 November 2015. There were 2 sittings in all. The Governor prorogued the House on 19 January 2016.

Legislative Business: During the Session, the Indian Stamp (Uttarakhand

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* Material contributed by the Assam Legislative Assembly Secretariat
** Material contributed by the Manipur Legislative Assembly Secretariat
*** Material contributed by the Uttarakhand Legislative Assembly Secretariat

Amendment) Bill, 2015 was introduced, considered and passed by the House.

Financial Business: On 2 November 2015, Finance Minister Smt. Indira Hriyadesh presented the Supplementary Demands for Grants for the year 2015-16. The General Discussion on the Demands for Grants was held on 3 November 2015, and were voted and passed by the House on the same day.

Obituary References: During the Session, obituary references were made on the passing away of Dr. A.P.J. Abdul Kalam, former President of India; Shri Pooran Singh Mahra, former member of the Uttar Pradesh Legislative Assembly; and Shri Khadag Singh Bora, former member of the State Legislative Assembly.

WEST BENGAL LEGISLATIVE ASSEMBLY*

The Fifteenth West Bengal Legislative Assembly which commenced its Eighteenth Session on 11 December 2015 was adjourned *sine die* on 17 December 2015. There were 5 sittings in all.

Obituary References: During the Session, obituary references were made on the passing away of Shri Hashim Abdul Halim, former Speaker of the West Bengal Legislative Assembly and former Minister of the Government of West Bengal; Shri Madan Bauri and Shri Amalendralal Roy, both former Ministers of the Government of West Bengal; Shri Aftabuddin Mondal, Shri Badal Bhattacharya, Shri Shib Sankar Bandyopadhyay, Shri Naba Kumar Ray and Shri Majed Ali; all former members of the State Legislative Assembly.

* Material contributed by the West Bengal Legislative Assembly Secretariat

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APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED DURING THE SIXTH SESSION OF THE SIXTEENTH LOK SABHA

1.	PERIOD OF THE SESSION	26.11.2015 to 23.12.2015
2.	NUMBER OF SITTINGS HELD	20
3.	TOTAL NUMBER OF SITTING HOURS	117 Hours & 14 Minutes
4.	TIME LOST DUE TO INTERRUPTIONS/ FORCED ADJOURNMENTS	8 Hours & 37 Minutes
5.	HOUSE SITTING LATE TO COMPLETE LISTED BUSINESS	17 Hours & 10 Minutes
6.	GOVERNMENT BILLS	
	(i) Pending at the commencement of the Session	15
	(ii) Introduced	9
	(iii) Laid on the Table as passed by the Rajya Sabha	Nil
	(iv) Returned by the Rajya Sabha with any amendment	
	(v) Recommendation and laid on the Table	1
	(vi) Discussed	14
	(vii) Passed	13
	(viii) Withdrawn	Nil
	(ix) Negatived	Nil
	(x) Part-discussed	1
	(xi) Returned by the Rajya Sabha without any Recommendation	2
	(xii) Pending at the end of the Session	11
7.	PRIVATE MEMBERS' BILLS	
	(i) Pending at the commencement of the Session	292*
	(ii) Introduced	117
	(iii) Discussed	1
	(iv) Passed	Nil
	(v) Withdrawn	Nil
	(vi) Negatived	Nil
	(vii) Part-discussed	1
	(viii) Pending at the end of the Session	410

* Excluding one part-discussed Bills

8.	NUMBER OF DISCUSSIONS HELD UNDER RULE 184	
	(i) Notice received	Nil
	(ii) Admitted	Nil
	(iii) Discussed	Nil
9.	NUMBER OF MATTERS RAISED UNDER RULE 377	358
10.	NUMBER OF MATTERS RAISED ON URGENT PUBLIC IMPORTANCE DURING ZERO HOUR	631
11.	NUMBER OF DISCUSSIONS HELD UNDER RULE 193	
	(i) Notice received	120
	(ii) Admitted	4
	(iii) Discussion held	4
	(iv) Part-discussed	1
12.	NUMBER OF STATEMENTS MADE UNDER RULE 197	Nil
13.	STATEMENTS MADE BY MINISTERS	44
14.	ADJOURNMENT MOTION	
	(i) Notice received	134
	(ii) Brought before the House	Nil
	(iii) Admitted	Nil
15.	NUMBER OF MATTERS RAISED BY WAY OF CALLING ATTENTION UNDER RULE 197	Nil
16.	GOVERNMENT RESOLUTIONS	
	(i) Notice received	4
	(ii) Admitted	4
	(iii) Moved	1
	(iv) Adopted	1
	(v) Negatived	Nil
	(vi) Part-discussed	Nil
17.	PRIVATE MEMBERS' RESOLUTIONS	
	(i) Notice received	3
	(ii) Admitted	3
	(iii) Discussed	1[$]
	(iv) Adopted	1
	(v) Negatived	Nil
	(vi) Part-discussed	1

[$] Excluding one part discussed resolution

18. GOVERNMENT MOTIONS	Nil
19. PRIVILEGES MOTIONS	Nil
20. NUMBER, NAME AND DATE OF PARLIAMENTARY COMMITTEES CONSTITUTED, IF ANY, DURING THE SESSION	Nil
21. TOTAL NUMBER OF VISITOR PASSES ISSUED DURING THE SESSION	25,327
22. TOTAL NUMBER OF VISITORS TO THE PARLIAMENT MUSEUM DURING THE SESSION	22 December 2015
23. TOTAL NUMBER OF QUESTIONS ADMITTED	
(i) Starred	360
(ii) Un-starred	4,140*
(iii) Short Notice Questions	Nil
(iv) Half-an-Hour discussions	Nil

24. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of sittings held during the period	No. of Reports presented
1	2	3	4
i)	Business Advisory Committee	3	3
ii)	Committee on Absence of Members from the Sittings of the House	1	1
iii)	Committee on Empowerment of women	4	1
iv)	Committee on Estimates	2+4**	2
v)	Committee on Ethics	1	—
vi)	Committee on Government Assurances	4	9
vii)	Committee on Member of Parliament Local Area Development Scheme (MPLADS)	1	2
viii)	Committee on Papers Laid on the Table	4	1
ix)	Committee on Petitions	3	2
x)	Committee on Private Members' Bills and Resolutions	3	3
xi)	Committee of Privileges	4	—
xii)	Committee on Public Accounts	9+7**	11
xiii)	Committee on Public Undertakings	5	3
xiv)	Committee on Subordinate Legislation	3	1
xv)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	6	1

* including 1 Unstarred Question deleted
** Sitting of Sub-Committee

1	2	3	4
xvi)	General Purposes Committee	—	—
xvii)	Committee on Welfare of Other Backward Classes	—	—
xviii)	Library Committee	—	—
xix)	Railway Convention Committee	3	2
xx)	Rules Committee	—	—
xxi	House Committee		
	(a) Accommodation Sub-Committee		
	(b) Sub-Committee on Amenities	—	—
JOINT/SELECT COMMITTEE			
i)	Joint Committee on Offices of Profit	6	1
ii)	Joint Committee on Papers Laid on the Table	—	—
iii)	Joint Committee on Salaries and Allowances of Members of Parliament	2	1
DEPARTMENTALLY RELATED STANDING COMMITTEES			
i)	Committee on Agriculture	8	5
ii)	Committee on Chemicals and Fertilizers	3	4
iii)	Committee on Coal & Steel	2	3
iv)	Committee on Defence	5	2
v)	Committee on Energy	5	4
vi)	Committee on External Affairs	7	4
vii)	Committee on Finance	5	8
viii)	Committee on Food, Consumer Affairs and Public Distribution	8	—
ix)	Committee on Information Technology	2+1*	6
x)	Committee on Labour	5	3
xi)	Committee on Petroleum & Natural Gas	3	1
xii)	Committee on Railways	3	1
xiii)	Committee on Rural Development	4	5
xiv)	Committee on Social Justice & Empowerment	3	1
xv)	Committee on Urban Development	3	1
xvi)	Committee on Water Resources	2	3

* Sitting of Sub-Committee

25. CELL ON PARLIAMENTARY FORUM

Sl. No.	Name of Forum	No. of Meetings held during the period	No. of lectures held
1	2	3	4
1.	Parliamentary Forum on Artisans & Craftspeople	Nil	Nil
2.	Parliamentary Forum on Children	Nil	Nil
3.	Parliamentary Forum on Water Conservation and Management	Nil	Nil
4.	Parliamentary Forum on Water Conservation and Management	Nil	Nil
5.	Parliamentary Forum on Youth	Nil	Nil
6.	Parliamentary Forum on Disaster Management	Nil	Nil
7.	Parliamentary Forum on Millennium Development Goals	Nil	Nil
8.	Parliamentary Forum on Population and Public Health	Nil	Nil

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED DURING THE 237TH SESSION OF THE RAJYA SABHA

1.	PERIOD OF THE SESSION	26.11.2015 to 23.12.2015
2.	NUMBER OF SITTINGS HELD	20
3.	TOTAL NUMBER OF SITTING HOURS	60 Hours & 8 Minutes
4.	NUMBER OF DIVISIONS HELD	NIL
5.	GOVERNMENT BILLS	
	(i) Pending at the commencement of the Session	53
	(ii) Introduced	1
	(iii) Laid on the Table as passed by the Lok Sabha	13
	(iv) Returned by Lok Sabha with any amendment	NIL
	(v) Referred to Select Committee by the Rajya Sabha	1
	(vi) Referred to Joint Committee by the Rajya Sabha	1[1]
	(vii) Referred to the Department-related Standing Committees	1[2]
	(viii) Reported by Select Committee	NIL
	(ix) Reported by Joint Committee	NIL
	(x) Reported by the Department-related Standing Committees	3[3]
	(xi) Discussed	9
	(xii) Passed	7
	(xiii) Withdrawn	3
	(xiv) Negatived	NIL
	(xv) Part-discussed	1
	(xvi) Returned by the Rajya Sabha without any Recommendation	3[4]
	(xvii) Discussion postponed	NIL
	(xviii) Pending at the end of the Session	54

1 Rajya Sabha concurred in the recommendation of Lok Sabha for referring the Insolvency and Bankruptcy Code, 2015 to a Joint Committee of the Houses.

2 The Rajendra Central Agricultural University Bill 2015, as introduced in the Rajya Sabha, was referred to the Department-related Parliamentary Standing Committee on Agriculture which is under the administrative control of the Speaker, Lok Sabha.

3 Of the three Bills, two Bills, namely the Merchant Shipping (Amendment) Bill, 2015 and the Lokpal and Lokayuktas and Other Related Law (Amendment) Bill, 2014 were introduced in the Lok Sabha and referred to the Department-related Parliamentary Standing Committee on Transport, Tourism and Culture and the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, which are under the administrative control of the Chairman, Rajya Sabha.

4 The Sugar Cess (Amendment) Bill, 2015 as passed by Lok Sabha, was not returned by the Rajya Sabha during the 237th Session. Hence, under article 109(5) of the Constitution, this Bill was deemed to have been passed by both the Houses.

6.	PRIVATE MEMBERS BILLS	
	(i) Pending at the commencement of the Session	103
	(ii) Introduced	25
	(iii) Laid on the Table as passed by the Lok Sabha	NIL
	(iv) Returned by the Lok Sabha with any amendment and laid on the Table	NIL
	(v) Reported by Joint Committee	NIL
	(vi) Discussed	1
	(vii) Withdrawn	1
	(viii) Passed	NIL
	(ix) Negatived	NIL
	(x) Circulated for eliciting opinion	NIL
	(xi) Part-discussed	1
	(xii) Discussion postponed/adjourned	NIL
	(xiii) Motion for circulation of Bill negatived	NIL
	(xiv) Referred to Select Committee	NIL
	(xv) Lapsed due to retirement/death of Member-in-charge of the Bill	NIL
	(xvi) Pending at the end of the Session	127
7.	NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (Matters of Urgent Public Importance)	
	(i) Notices received	29
	(ii) Admitted	5
	(iii) Discussions held	3
8.	NUMBER OF STATEMENT MADE UNDER RULE 180 (Calling Attention to matters of Urgent Public Importance)	
	(i) Statement made by Ministers	1
	(ii) Half-an-hour discussions held	NIL
9.	STATUTORY RESOLUTIONS	
	(i) Notices received	2
	(ii) Admitted	2
	(iii) Moved	2
	(iv) Adopted	NIL
	(v) Negatived	NIL
	(vi) Withdrawn	NIL
10.	GOVERNMENT RESOLUTIONS	
	(i) Notices received	1
	(ii) Admitted	1
	(iii) Moved	NIL
	(iv) Adopted	NIL

11.	PRIVATE MEMBERS' RESOLUTION	
	(i) Received	5
	(ii) Admitted	5
	(iii) Discussed	NIL
	(iv) Withdrawn	NIL
	(v) Negatived	NIL
	(vi) Adopted	NIL
	(vii) Part-discussed	NIL
	(viii) Discussion Postponed	NIL
12.	GOVERNMENT MOTIONS	
	(i) Notices received	NIL
	(ii) Admitted	NIL
	(iii) Moved & discussed	NIL
	(iv) Adopted	NIL
	(v) Part-discussed	NIL
13.	PRIVATE MEMBERS' MOTIONS	
	(i) Received	31
	(ii) Admitted	15
	(iii) Moved	NIL
	(iv) Adopted	NIL
	(v) Part-discussed	NIL
	(vi) Negatived	NIL
	(vii) Withdrawn	NIL
14.	MOTIONS REGARDING MODIFICATION OF STATUTORY RULE	
	(i) Received	1
	(ii) Admitted	1
	(iii) Moved	NIL
	(iv) Adopted	NIL
	(v) Negatived	NIL
	(vi) Withdrawn	NIL
	(vii) Part-discussed	NIL
	(viii) Lapsed	NIL
15.	NUMBER, NAME AND DATE OF PARLIAMENTARY COMMITTEE CREATED, IF ANY.	NIL
16.	TOTAL NUMBER OF VISITORS' PASSES ISSUED	2,363
17.	TOTAL NUMBER OF VISITORS	4,753
18.	MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY, AND DATE ON WHICH ISSUED	237 passes issued on 22.12.2015
19.	MAXIMUM NUMBER OF VISITORS ON ANY SINGLE DAY AND DATE	495 visitors visited on 18.12.2015

20. TOTAL NUMBER OF QUESTIONS ADMITTED

(i) Starred	269
(ii) Unstarred	2,879
(iii) Short-Notice Questions	NIL

21. DISCUSSIONS ON THE WORKING OF THE MINISTRIES — NIL

22. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of Committee	No. of meetings held during the period from 1 Oct. to 31 Dec. 2015	No. of Reports presented during the 237th Session
1	2	3	4
(i)	Business Advisory Committee	3	NIL
(ii)	Committee on Subordinate Legislation	3	2
(iii)	Committee on Petitions	5	NIL
(iv)	Committee of Privileges	1	NIL
(v)	Committee on Rules	NIL	NIL
(vi)	Committee on Government Assurances	2	1
(vii)	Committee on Papers Laid on the Table	3	1
(viii)	General Purposes Committee	NIL	NIL
(ix)	House Committee	1	NIL
DEPARTMENT-RELATED STANDING COMMITTEES:			
(x)	Commerce	5	3
(xi)	Home Affairs	5	7
(xii)	Human Resource Development	5	3
(xiii)	Industry	3	3
(xiv)	Science and Technology, Environment and Forests	3	2
(xv)	Transport, Tourism and Culture	5	7
(xvi)	Health and Family Welfare	2	3
(xvii)	Personnel, Public Grievances, Law and Justice	9	3
OTHER COMMITTEES			
(xviii)	Committee on Ethics	NIL	NIL
(xix)	Committee on Provision of Computer Equipment to Members of Rajya Sabha	NIL	NIL
(xx)	Committee on Member of Parliament Local Area Development Scheme	1	NIL

23. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE	NIL	3
24. PETITIONS PRESENTED	NIL	4

25. NAME OF NEW MEMBERS SWORN IN WITH DATES

Sl. No.	Name of Members sworn	Party Affiliation	Date on which sworn
1	2	3	4
1.	Shri N. Gokulakrishnan	AIADMK	27.11.2015
2.	Shri Narendra Kumar Swain	BJD	14.12.2015

26. OBITUARY REFERENCES

Sl. No.	Name	Sitting Member/ Ex-Member
1.	Prof. Ram Kapse	Ex-Member
2.	Dr. Rudra Pratap Singh	Ex-Member
3.	Shri N. Rajendran	Ex-Member
4.	Shri Khekiho Zhimomi	Sitting-Member
5.	Dr. M.A.M. Ramaswamy	Ex-Member
6.	Shri Sharad Anantrao Joshi	Ex-Member
7.	Shri Bir Bhadra Pratap Singh	Ex-Member

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF THE STATES AND UNION TERRITORIES DURING THE PERIOD FROM 1 OCTOBER TO 31 DECEMBER 2015

Legislature	Duration	Sittings	Govt. Bills [Introduced (Passed)]	Private Bills [Introduced (Passed)]	Starred Questions [Received (admitted)]	Unstarred Questions [Received (admitted)]	Short Notice Questions [Received (admitted)]
1	2	3	4	5	6	7	8
STATES							
Andhra Pradeshe L.A.**	—	—	—	—	—	—	—
Andhra Pradesh L.C.**	—	—	—	—	—	—	—
Arunachal Pradesh L.A.**	—	—	—	—	—	—	—
Assam L.A.	7.12.2015 to 11.12.2015	5	3(3)	3	189(172)	127(144)	97(97)
Bihar L.A.	30.11.2015 to 8.12.2015	6	1(1)	Nil	Nil	(1)	33(16)
Bihar L.C.	4.12.2015 to 8.12.2015	3	(1)	Nil	(60)	Nil	25(6)
Chhattisgarh L.A.	16.12.2015 to 23.12.2015	5	12(13)	Nil	560(352)	426(329)	Nil
Goa L.A.*	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Gujarat L.A.*	Nil	Nil	Nil	Nil	Nil	506(286)	Nil
Haryana L.A.	30.11.2015 to 1.12.2015	2	5(5)	Nil	148(88)	94(54)	6
Himachal Pradesh L.A.**	—	—	—	—	—	—	—
Jammu & Kashmir L.A.	10.10.2015	7	2(2)	14	297(273)	(250)	Nil
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—
Jharkhand L.A.**	—	—	—	—	—	—	—
Karnataka L.A.	16.11.2015 to 27.11.2015	10	7(6)	2	150(150)	2,113(2,113)	Nil

* Include starred questions admitted as unstarred questions

Karnataka L.C.	16.11.2015 to 27.11.2015	10	6(6)	Nil	1,167(150)	315(1,332)	Nil
Kerala L.A.	31.11.2015 to 17.12.2015	11	15(13)	Nil	4,019(3,268)	2,988(3,675)*	3(2)
Madhya Pradesh L.A.	5.11.2015 to 5.11.2015 & 7.12.2015 to 16.12.2015	9	12(12)	Nil	1,594(1,194)	1,162(1,139)	Nil
Maharashtra L.A.	7.12.2015 to 23.12.2015	13	18(12)	7	10,494(1,147)	366(202)	5
Maharashtra L.C.	7.12.2015 to 23.12.2015	13	(1)	Nil	3,432(1378)	42(18)	1(1)
Manipur L.A.	18.12.2015 to 21.12.2015	2	3(3)	Nil	13(15)	11(11)	Nil
Meghalaya L.A.*	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Mizoram L.A.**	—	—	—	—	—	—	—
Nagaland L.A.**	—	—	—	—	—	—	—
Odisha L.A.**	—	—	—	—	—	—	—
Punjab L.A.**	—	—	—	—	—	—	—
Rajasthan L.A**	—	—	—	—	—	—	—
Sikkim L.A.**	—	—	—	—	—	—	—
Tamil Nadu L.A.*	Nil	Nil	Nil	Nil	Nil	(20)	Nil
Telangana L.A.*	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Telangana L.C.*	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Tripura L.A.**	—	—	—	—	—	—	—
Uttarakhand L.A.	2.11.2015 to 3.11.2015	1	11(11)	Nil	98(18)	(93)	25(7)
Uttar Pradesh L.A.*	Nil	Nil	Nil	Nil	994(313)	1,298(427)	192
Uttar Pradesh L.C.*	Nil	Nil	Nil	Nil	519(507)	240(237)	Nil
West Bengal L.A.	11.12.2015 to 17.12.2016	5	3(3)	Nil	248(111)	88(26)	Nil
UNION TERRITORIES							
Delhi L.A.	18.11.2015 to 4.12.2015 and 22.12.2015	11+1	15(15)	Nil	Nil	Nil	Nil
Puducherry L.A.**	—	—	—	—	—	—	—

* Information received, but no Sitting of the House during the period.
** Information not received from the State/Union Territory Legislature.

APPENDIX III (Contd.)

COMMITTEES AT WORK / NUMBER OF SITTINGS HELD AND NUMBER OF REPORTS PRESENTED DURING THE PERIOD FROM 1 OCTOBER TO 31 DECEMBER 2015

	Business Advisory Committee	Committee on Government Assurances	Committee on Petitions	Committee on Private Members' Bills and Resolutions	Committee of Privileges	Committee on Public Undertakings	Committee on Subordinate Legislation	Committee on the Welfare of SCs and STs	Committee on Estimates	General Purposes Committee	House/Accommodation Committee	Library Committee	Public Accounts Committee	Rules Committee	Joint/Select Committee	Other Committees
	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
STATES																
Andhra Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Andhra Pradesh L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Arunachal Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Assam L.A.	1	Nil	Nil	Nil	3	Nil	Nil	2	Nil	Nil	Nil	Nil	2(4)	Nil	—	2(1)[a]
Bihar L.A.	1(1)	7	7	7	Nil	5	7	8	9	Nil	7	7	8	Nil	—	62[b]
Bihar L.C.	1	9	10	8	X	NA	9	8	NA	10	10	9	NA	X	—	91(1)[c]
Chhattisgarh L.A.	1(1)	1	Nil	1(1)	3	Nil	Nil	1	Nil	Nil	—	Nil	5(8)	Nil	—	5(1)[d]
Goa L.A.	1	3	3	—	—	4	4	—	4	—	—	—	4	—	—	—
Gujarat L.A.**	—	1	—	—	—	1	—	SC-1 ST-1	1	—	—	—	3	—	—	1[e]
Haryana L.A.**	1(1)	15	18	Nil	Nil	14	18	19	21	—	8	13	16	Nil	—	30[f]
Himachal Pradesh L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.A.	1	9	8	3	6	8	8(1)	9	9	Nil	8	Nil	8	Nil	Nil	51[g]
Karnataka L.C.	2	9	16	2(2)	9	Nil	Nil	Nil	Nil	Nil	9	Nil	Nil	Nil	Nil	Nil
Kerala L.A.	2(2)	5(1)	6	1(1)	Nil	6(7)	7(4)	7(13)	8	Nil	7	Nil	4(8)	4(18)	Nil	52(49)[h]
Madhya Pradesh L.A.	1(1)	3(7)	5(6)	1(1)	1	6(19)	2	3	2	—	03	—	9(205)	—	—	11(4)[i]
Maharashtra L.A.	2(1)	7(1)	3	2(2)	3	6(3)	4(1)	2(1)	18	—	Nil	Nil	18(3)	Nil	1(1)	65(7)[j]
Maharashtra L.C.	2	11(1)	Nil	2	8(1)	6(3)	4(1)	SC-2(1), ST-7(1)	18	—	Nil	Nil	18(3)	Nil	1(1)	63(7)[k]
Manipur L.A.	1(1)	1	1	Nil	2	Nil	1	Nil	1	1	Nil	1	1	1	Nil	2[l]
Meghalaya L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mizoram L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Odisha L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Punjab L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Rajasthan L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Tamil Nadu L.A.	Nil	3	Nil	—	Nil	Nil	Nil	—	1	—	Nil	Nil	Nil	Nil	Nil	1[m]
Telangana L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	–
Telangana L.C.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tripura L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttarakhand L.A.	Nil	6	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	1	Nil	2	Nil
Uttar Pradesh L.A.	—	12	4	—	Nil	2	4	8	Nil	—	Nil	Nil	4	Nil	—	27[n]
Uttar Pradesh L.C.	—	6	7	—	4	—	—	—	—	—	—	—	—	1	—	45[o]
West Bengal L.A.**	2(2)	11(2)	12	—	12	12	12	—	12	—	10	12	13(1)	1	—	122[p]
UNION TERRITORIES	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Delhi L.A.	1	1	2	1	5(1)	Nil	Nil	Nil	Nil	Nil	Nil	Nil	1	Nil	—	11(1)[q]
Puducherry L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

(a) Employment Review Committee-2(1)

(b) Agricultural Industries Development-7, Bihar Heritage Industries Development Committee-7, Bihar Heritage Development Committee-7, Women and Child Welfare Committee-7, Zero Hour Committee-7, Nivedan Committee-8, Zila Parishad and Panchayati Raj Committee-7, Question and Calling Attention Committee-8, Committee Related to Tourism Industry-4 and Internal Resources Committee-7

(c) Rajbhasha-9, Paper Laid on the Table-10, Nivedan Committee-15(1), Committee on Zila Parishad-10, Question and Call Attention-11, Zero Hour Committee-8, Ethics Committee-10, Minorities Welfare Committee-10, Human Rights Committee-8

(d) Committee relating to the Examination of the Papers Laid on the Table-2(1) and Women and Children Welfare Committee-3.

(e) Panchayati Raj Committee-1.

(f) Committee on Local Bodies & Panchayati Raj-11, Committee on Public Health, Irrigation & Power-19.

(g) Committee on Welfare of Women and Children-9, Committee on Papers Laid on the Table-8, Committee on Backward Classes and Minorities-9, Committee on Local Bodies and Panchayati Raj-9, House Committee regarding NICE Project- 2, House Committee regarding working style of Clubs in the State-7, House Committee Regarding Tank Encroachment-5, House Committee Regarding Illegal Sand Mining-2.

(h) Committee on Environment-4(18), Committee on Papers Laid on the Table-3(3), Committee on the Welfare of Backward Class Communities-4(2), Committee on the Welfare of Women, Children & Physically Handicapped-7(2), Committee on the Welfare of Fishermen and Allied Workers-1, Committee on the Welfare of Youth and Youth Affairs-4, Committee on Official Languages-4, Committee on Local Fund Accounts-5(11), Committee on the welfare of Non-Resident Keralites-3(1), Subject Committees-17(12).

(i) Committee on Question and Reference-2(4), Committee on the Welfare of Woman & Children-4, Agriculture Development Committee-1,

Ethics Committee-1, Local Bodies and Panchayati Raj Accounts Committee-3.

(j) Committee on Welfare of Vimukta Jatis and Nomadic Tribes (VJNT)-7(2), Committee on Employment Guarantee Scheme-18(1), Committee on Leave of Absence of Members from Sittings of the House-1(1), Panchayati Raj-17(3), Committee on Rights and Welfare of Women-7(1), Committee on Welfare of Other Backward Classes-10, Committee on Minority Welfare-3, Paper Laid on Table Committee-1, Committee on Inspection on Private Charity Hospitals-1.

(k) Committee on Welfare of Vimukta Jatis and Nomadic Tribes-7(2), Committee on Employment Guarantee Scheme-18(1), Panchayati Raj-17(3), Committee on Rights and Welfare of Women-7(1), Committee on Welfare of Other Backward Classes-10, Committee on Minority Welfare-3 and Committee on Inspection of Private Charity Hospitals-1.

(l) Hill Areas Committee (Sub-Committee)-1, Committee on Welfare of Women and Children-1.

(m) Committee on Papers Laid on the Table-1.

(n) Committee on Parliamentary Research, Reference & Studies-1, Committee Relating to Examination of Audit Reports of the Local Bodies of the State-20, Joint Committee Relating to Women & Child Welfare-3, Panchayati Raj Committee-3.

(o) Committee on Reference & Questions-1, Committee on Financial & Administrative Delayed-2, Committee on Parliamentary Study-1, Committee on Enquiry of Housing Complaints of UP Legislature-6, Committee on Control of Irregularities in Development Authorities, Housing Board, Jila Panchayats & Municipal Corporation-5, Committee on Enquiry of Provincial Electricity Arrangement-5, Committee on Regulation Review-14, Committee on Commercialization of Education-4, Parliamentary & Social Welfare Committee-2, Daivee Aapda Prabandhan Janch Samiti-4

(p) Committee on Paper Laid on the Table-11, Committee on Affairs of Women and Children-10, Standing Committee on Agriculture, Agriculture Marketing and Fisheries-11, Standing Committee on Commerce and Industries, Industrial Reconstruction and Public Enterprises-11, Standing Committee on Micro and Small Scale Enterprises and Textiles and Animal Resources Development-9, Standing Committee on Higher Education-12(1), Standing Committee on Higher Education-12, Standing Committee on School Education-12, Standing Committee on Environment, Forests and Tourism-11, Standing Committee on Finance, Excise and Development and Planning-12, Standing Committee on Food and Supplies, Food Processing and Horticulture and Co-operation and Consumer Affairs-11, Standing Committee on Health and Family Welfare-12, Standing Committee on Home, Personnel and Administrative Reforms, Jails, Law, Judicial and Civil Defence-12, Standing Committee on Housing, Hill Affairs and Fire Services-10, Standing Committee on Information and Cultural Affairs, Sports and Youth Services-12, Standing Committee on Irrigation and Waterways and Water Investigation and Development-10, Standing Committee on Labour-11, Standing Committee on Municipal Affairs and Urban Development-11(1), Standing Committee on Panchayati and Rural Development, Land and Land Reforms, and Sundarban Development-11, Standing Committee on Power and Non-conventional Energy Sources-12, Standing Committee on Public Works and Public Health Engineering-11.

(q) Committee on Women and Child Welfare-1, Committee on Environment-1, Committee on Members' Salary and Allowance-1 and Committee on Ethics-8(1).

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD

1 OCTOBER TO 31 DECEMBER 2015

Sl. No.	Title of the Bill	Date of assent by the President
1.	The Negotiable Instruments (Amendment) Bill, 2015	26.12.2015
2.	The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2015	31.12.2015
3.	The Juvenile Justice (Care and protection of Children) Bill, 2015	31.12.2015
4.	The Arbitration and Conciliation (Amendment) Bill, 2015	31.12.2015
5.	The Commercial Courts, Commercial Division and Commercial Appellate division of High Courts Bill, 2015	31.12.2015
6.	The Atomic Energy (Amendment) Bill, 2015	31.12.2015
7.	The Payment of Bonus (Amendment) Bill, 2015	31.12.2015
8.	The Appropriation (No.4) Bill, 2015	31.12.2015
9.	The Appropriation (No.5) Bill, 2015	31.12.2015
10.	The Sugar Cess (Amendment) Bill, 2015	8.1.2016

APPENDIX V

LIST OF BILLS PASSED BY THE LEGISLATURES OF THE STATES AND THE UNION TERRITORIES DURING THE PERIOD

1 OCTOBER TO 31 DECEMBER 2015

ASSAM LEGISLATIVE ASSEMBLY

1. The Assam Appropriation No. IV Bill, 2015
2. The Assam Gratuity (Amendment) Bill, 2015
3. The Assam Backward Classes Commission (Amendment) Bill, 2015

BIHAR LEGISLATIVE COUNCIL

1. Bihar Viniyog (Sankya-4) Vidheyak, 2015

BIHAR LEGISLATIVE ASSEMBLY

1. Bihar Viniyog (Sankya-4) Vidheyak, 2015

CHHATTISGARH LEGISLATIVE ASSEMBLY

1. Chhattisgarh Shram Kalyan Nidhi (Sanshodhan) Vidheyak, 2015
2. Chhattisgarh Khanij Vikas Nidhi (Sanshodhan) Vidheyak, 2015
3. Chhattisgarh Uccha Nyayalaya (Khand Nyaypheeth Ko Appeal) (Sanshodhan) Vidheyak, 2015
4. Chhattisgarh Madhyastham Adhikaran (Sanshodhan) Vidheyak, 2015
5. Chhattisgarh Police (Sanshodhan) Vidheyak, 2015
6. Chhattisgarh Panchayat Raj (Sanshodhan) Vidheyak, 2015
7. Chhattisgarh Bhada Niyantran (Sanshodhan) Vidheyak, 2015
8. Chhattisgarh Physiotherapy and Occupational Therapy Parishad Vidheyak, 2015
9. Bhartiya Stamp Chhattisgarh (Sanshodhan) Vidheyak, 2015
10. Chhattisgarh Rajya Vitta Ayog (Sanshodhan) Vidheyak, 2015
11. Chhattisgarh Niichhepkon Ke Hito ka Sanrakshan Sanshodhan Vidheyak, 2015
12. Chhattisgarh Viniyog Vidheyak, 2015
13. Chhattisgarh Vidhan Sabha Dwara 16 December 2014 Ko Yatha Parit Chhattisgarh Vidhan Sabha Sachivalaya Seva Sanshodhan Vidheyak, 2014 Yatha Parit Swaroop me punah parit hua (Reconsidered and passed Bill Returned by Governor)

HARYANA LEGISLATIVE ASSEMBLY

1. The Haryana State University of Horticulture Sciences, Karnal Bill, 2015*
2. The Haryana Gau-Seva Aayog (Amendment) Bill, 2015*

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* Bills awaiting for assent.

3. The Haryana Private Universities (Amendment) Bill, 2015
4. Indira Gandhi University, Meerpur (Amendment and Validation) Bill, 2015*
5. The Haryana Panchayati Raj (Second Amendment) Bill, 2015*

KARNATAKA LEGISLATIVE COUNCIL

1. The Karnataka Panchayat Raj (Second Amendment) Bill, 2015
2. The Karnataka Municipal Corporations and Certain other Law (Amendment) Bill, 2015
3. The Karnataka Forest (Amendment Bill), 2015
4. The Karnataka Maritime Board Bill, 2015
5. The Karnataka Industries (Facilitation) (Amendment) Bill, 2015
6. The Karnataka Appropriation (No. 5) Bill, 2015

KARNATAKA LEGISLATIVE ASSEMBLY

1. The Karnataka Panchayat Raj (Second Amendment) Bill, 2015
2. The Karnataka Municipal Corporations and Certain other Law (Amendment) Bill, 2015
3. The Karnataka Forest (Amendment) Bill, 2015
4. The Karnataka Maritime Board Bill, 2015
5. The Karnataka Industries (Facilitation) (Amendment) Bill, 2015
6. The Karnataka Appropriation Bill, 2015

KERALA LEGISLATIVE ASSEMBLY

1. The Kerala Public Service Commission (Additional Functions as Respects the Services Under the Kerala State Pollution Control Board), Bill, 2012 (Bill No. 153)
2. The Hindu Succession (Kerala Amendment) Bill, 2015 (Bill no. 333)
3. The Non-Resident Keralites' Welfare (Amendment) Bill, 2015, (Bill No. 347)
4. The Kerala Public Service Commission (Additional Functions as respects the Universities) Bill, 2015, (Bill No. 370)
5. The Payment of Wages (Kerala Amendment) Bill, 2015, (Bill No. 371)
6. The Kerala Sports (Amendment) Bill, 2015, (Bill No. 373)
7. The Kerala State Commission for Forward Communities Bill, 2015, (Bill No. 374)
8. The Kerala Real Estate (Regulation and Development) Bill, 2015, (Bill No. 375)
9. The Malayalam Language (Dissemination and Enrichment) Bill, 2015, (Bill No. 376)
10. The Non-Resident Indians' (Keralites) Commission Bill, 2015, (Bill No. 380)
11. The Kerala Appropriation (No. 4) Bill, 2015 (Bill No. 385)
12. The Kerala Appropriation (No. 5) Bill, 2015 (Bill No. 386)
13. The Kerala Appropriation (No. 6) Bill, 2015 (Bill No. 387)

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* Bills awaiting assent.

MADHYA PRADESH LEGISLATIVE ASSEMBLY

1. Madhya Pradesh Viniyog (Kramank-5) Vidheyak, 2015
2. Madhya Pradesh Krishi Upaj Mandi (Sanshodhan) Vidheyak, 2015
3. Madhya Pradesh Bhu Rajasva Sanhita (Sanshodhan) Vidheyak, 2015
4. Madhya Pradesh Niji Vishawavidhyalaya (Isthapna evam Sanchalan) (Dwitiya Sanshodhan) Vidheyak, 2015
5. Madhya Pradesh Motoryan Karadhan Sanshodhan Vidheyak, 2015
6. Madhya Pradesh Viniyog (Kramank-6) Vidheyak, 2015
7. Madhya Pradesh Ayurvigyan Parishad (Sanshodhan) Vidheyak, 2015
8. Dr. B.R. Ambedkar Samajik Vigyan Vishwavidhyalaya Vidheyak, 2015
9. Madhya Pradesh Vet (Dwitiya Sanshodhan) Vidheyak, 2015
10. Madhya Pradesh Vriti Kar (Sanshodhan) Vidheyak, 2015
11. Bharatiya Stamp (Madhya Pradesh Sanshodhan) Vidheyak, 2015
12. Madhya Pradesh Rajkoshiya Uttardayitava evam Budget Prabandhan (Sanshodhan) Vidheyak, 2015

MAHARASHTRA LEGISLATIVE COUNCIL

1. Code of Criminal Procedure (Maharashtra Amendment) Bill, 2015
2. The Maharashtra Regional and Town Planning (Third Amendment) Bill, 2015
3. The Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Third Amendment) Bill, 2015
4. The Maharashtra Universities (Second Amendment) Bill, 2015
5. The Maharashtra National Law University (Amendment) Bill, 2015
6. The Maharashtra Acupuncture System of Therapy Bill, 2015
7. The Maharashtra Prevention of Fragmentation and Consolidation of Holdings (Amendment) Bill, 2015
8. The Mumbai Municipal Corporation and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Bill, 2015
9. The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and Video Pirates (Amendment) Bill, 2015
10. The Maharashtra Advocates Welfare Fund (Amendment) Bill, 2015
11. The Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Special Backward Category and Other Backward Classes (Amendment) Bill, 2015
12. The Maharashtra Tenancy and Agricultural Lands, Hyderabad Tenancy and Agricultural Lands and Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Amendment) Bill, 2015.

MAHARASHTRA LEGISLATIVE ASSEMBLY

1. The Maharashtra Regional and Town Planning (Third Amendment) Bill, 2015
2. The Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Third Amendment) Bill, 2015
3. The Maharashtra Universities (Second Amendment) Bill, 2015
4. The Maharashtra National Law University (Amendment) Bill, 2015

5. The Maharashtra Acupuncture System of Therapy Bill, 2015
6. The Maharashtra Prevention of Fragmentation and Consolidation of Holdings (Amendment) Bill, 2015
7. The Mumbai Municipal Corporation and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Bill, 2015
8. The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous persons and Video Pirates (Amendment) Bill, 2015
9. The Maharashtra Advocates Welfare Fund (Amendment) Bill, 2015
10. The Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Special Backward Category and Other Backward Classes (Amendment) Bill, 2015
11. The Maharashtra Tenancy and Agricultural Lands, Hyderabad Tenancy and Agricultural Lands and Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) (Amendment) Bill, 2015
12. The Maharashtra (Third Supplementary) Appropriation Bill, 2015
13. Code of Criminal Procedure (Maharashtra Amendment) Bill, 2015

MANIPUR LEGISLATIVE ASSEMBLY

1. The Manipur Municipalities (Ninth Amendment) Bill, 2015*
2. The Manipur Motor Vehicle Taxation (Second Amendment) Bill, 2015*
3. The Manipur Medicare Service Personnel and Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill, 2015*

UTTARAKHAND LEGISLATIVE ASSEMBLY

1. The Uttarakhand Appropriation (First Supplementary of 2015-16) Bill, 2015
2. The Uttarakhand State Legislature (Emoluments and Pension of Members) (Amendment) Bill, 2015
3. The Uttarakhand Reservation for Identified Revolutionists of Uttarakhand Movement and their Dependents in Government Service Bill, 2015
4. The Uttarakhand Industrial Disputes (Amendment) Bill, 2015
5. The Uttarakhand Cess Bill, 2015
6. The Uttarakhand Tax on Entry of Goods into Local Areas (Amendment) Bill, 2015
7. The Uttarakhand Cinemas (Regulation) (Amendment) Bill, 2015
8. The Uttarakhand Entertainment and Betting Tax (Second Amendment) Bill, 2015
9. The Uttarakhand Value Added Tax (Amendment) Bill, 2015
10. The Indian Stamp (Uttarakhand Amendment) Bill, 2015
11. The Uttarakhand School Education (Amendment) Bill, 2015

DELHI LEGISLATIVE ASSEMBLY

1. The Delhi School (Verification of Accounts and Refund of Excess Fee) Bill, 2015
2. The Right of Children to Free and Compulsory Education (Delhi Amendment) Bill, 2015
3. The Code of Criminal Procedure (Delhi Amendment) Bill, 2015

4. The Delhi (Right of Citizen to Time Bound Delivery of Services) Amendment Bill, 2015
5. Minimum wages (Delhi) Amendment Bill, 2015
6. The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Delhi amendment) Bill, 2015
7. The Delhi Appropriation (No.3) Bill, 2015
8. The Members of Legislative Assembly of National Capital Territory of Delhi Salaries, Allowances, Pension, Etc. (Amendment) Bill, 2015
9. The Ministers of the National Capital Territory of Delhi (Salaries and Allowances) (Amendment) Bill, 2015
10. The Speaker and Deputy Speaker of the Legislative Assembly of National Capital Territory of Delhi (Salaries and Allowances) (Amendment) Bill, 2015
11. The Leader of Opposition in the Legislative Assembly of the National Capital Territory of Delhi (Salaries and Allowances) (Amendment) Bill, 2015
12. The Salary and Allowances of the Chief Whip in the Legislative Assembly of the National Capital Territory of Delhi (Amendment) Bill, 2016
13. The Delhi Value Added Tax (Third Amendment) Bill, 2015
14. The Delhi Jan Lokpal Bill, 2015

* Bills awaiting assent.

APPENDIX VI

ORDINANCES PROMULGATED BY THE UNION AND STATE GOVERNMENTS DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER 2015

Sl. No.	Title of Ordinance	Date of Promulgation	Date on which laid before the House	Date of Cessation	Remarks
	UNION GOVERNMENT				
1.	The Commercial Courts, Commercial Division of High Courts Ordinance, 2015	23.10.2015	30.11.2015	—	Replaced by an Act of Parliament
2.	The Arbitration and Conciliation (Amendment) Ordinance, 2015	23.10.2015	30.11.2015	—	Replaced by an Act of Parliament
	CHHATTISGARH LEGISLATIVE ASSEMBLY				
1.	Bhartiya Stamp (Chhattisgarh Sanshodhan) Adhyadesh, 2015	—	—	—	—
2.	Chhattisgarh Madhstham Adhikaran (Sanshodhan), Adhyadesh, 2015	—	—	—	—
3.	Chhattisgarh Panchayat Raj (Sanshodhan) Adhyadesh, 2016	—	—	—	—
	GUJARAT LEGISLATIVE ASSEMBLY				
1.	Gujarat Local Authorities Laws (Second Amendment) Ordinance, 2015	3.10.2015	—	—	—

MADHYA PRADESH LEGISLATIVE ASSEMBLY

1.	Dr. B.R. Ambedkar Samajik Vigyan Vishavvidhayalaya Adhyadesh, 2015	14.8.2015	7.12.2015	—	Replaced by same an Act in House
2.	Madhya Pradesh Bhu Rajasva Sanhita (Dwitiya Sanshodhan) Adhyadesh, 2015	21.8.2015	7.12.2015	—	—
3.	Madhya Pradesh Vet (Dwitiya Sanshodhan) Adhyadesh, 2015	2.11.2015	7.12.2015	—	—

MAHARASHTRA LEGISLATIVE ASSEMBLY

1.	The Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment and Continuance) Ordinance, 2015	21.8.2015	8.12.2015	17.1.2016	—
2.	The Maharashtra Regional and Town Planning (Second Amendment) Ordinance, 2015	29.8.2015	8.12.2015	17.1.2016	Replaced by Legislation
3.	The Maharashtra Regional and Town Planning (Third Amendment) Ordinance, 2015	29.8.2015	8.12.2015	17.1.2016	—
4.	The Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Ordinance, 2015	5.10.2015	8.12.2015	17.1.2016	Replaced by Legislation
5.	The Maharashtra Universities (Second Amendment) Ordinance, 2015	30.10.2015	8.12.2015	17.1.2016	Replaced by Legislation
6.	The Maharashtra National Law University (Amendment) Ordinance, 2015	10.11.2015	8.12.2015	17.1.2016	Replaced by Legislation

7.	The Maharashtra Co-operative Societies (Amendment) Ordinance, 2015	1.12.2015	8.12.2015	17.1.2016	—
8.	The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-offenders, Dangerous Persons and Video Pirates (Amendment) Ordinance, 2015	1.12.2015	8.12.2015	17.1.2016	Replaced by Legislation
9.	The Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Special Backward Category and Other Backward Classes) (Amendment) Ordinance, 2015	2.12.2015	8.12.2015	17.1.2016	Replaced by Legislation
	UTTAR PRADESH LEGISLATIVE ASSEMBLY				
1.	The Uttar Pradesh Revenue Code (Amendment) Ordinance, 2015	16.12.2015	—	—	—
	UTTAR PRADESH LEGISLATIVE COUNCIL				
1.	The Uttar Pradesh Rajaswa Samhita (Amendment) Ordinance, 2015	16.12.2015	—	—	—

APPENDIX VII

A. PARTY POSITION IN 16TH LOK SABHA (STATE-WISE), (AS ON 31.12.2015)

States	No. of Seats	BJP	INC	AIA DMK	AITC	BJD	SS	TDP	TRS	CPI (M)	YSR CP	LJSP	NCP	SP	AAP	RJD	SAD	AIU DF	JKP DP	RLSP	AD
Andhra Pradesh	25	2	—	—	—	—	—	15	—	—	8	—	—	—	—	—	—	—	—	—	—
Arunachal Pradesh	2	1	1	—2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Assam	14	7	3	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3	—	—	—
Bihar	40	22	2	—	—	—	—	—	—	—	—	6	1	—	—	4	—	—	—	3	—
Chhattisgarh	11	10	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Goa	2	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Gujarat	26	26	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Haryana	10	7	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Himachal Pradesh	4	4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir	6	3	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3	—	—
Jharkhand	14	12	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka	28	17	9	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kerala	20	—	8	—	—	—	—	—	—	5	—	—	—	—	—	—	—	—	—	—	—
Madhya Pradesh	29	25*	3	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra	48	23	2	—	—	—	18	—	—	—	—	—	4	—	—	—	—	—	—	—	—
Manipur	2	—	2	—	—	—	—	—	—	—	—		—	—	—	—	—	—	—	—	—
Meghalaya	2	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mizoram	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Odisha	21	1	—	—	—	20	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Punjab	13	2	3	—	—	—	—	—	—	—	—	—	—	—	4	—	4	—	—	—	—
Rajasthan	25	25	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tamil Nadu	39	1	—	37	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Telangana	17	1	2	—	—	—	—	1	11	—	1	—	—	—	—	—	—	—	—	—	—
Tripura	2	—	—	—	—	—	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—
Uttarakhand	5	5	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh	80	71	2	—	—	—	—	—	—	—	—	—	—	5	—	—	—	—	—	—	2
West Bengal	42	2	4	—	34	—	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORIES																					
A & N Islands	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chandigarh	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dadra & Nagar Haveli	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daman & Diu	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
NCT of Delhi	7	7	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Lakshadweep	1	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—
Puducherry	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
TOTAL	543	280*	45	37	34	20	18	16	11	9	9	6	6	5	4	4$	4	3	3	3	2

* Excluding Speaker, LS
Two nominated members who have joined BJP with effect from 8.12.2015

$ Includes one member (Shri Rajesh Ranjan Yadav) who has been expelled from the party with effect from 7.5.2015

APPENDIX VII (CONTD.)

States	INLD	IU ML	JD(S)	JD(U)	JMM	CPI	AIN RC	KC (M)	NPF	NPP	PMK	RSP	SDF	AIM EIM	SWP	IND	TOTAL	VACAN-CIES
Andhra Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	25	—
Arunachal Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Assam	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	14	—
Bihar	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	40	—
Chhattisgarh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	11	—
Goa	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Gujarat	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	26	—
Haryana	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	10	—
Himachal Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	4	—
Jammu & Kashmir	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	6	—
Jharkhand	—	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—	14	—
Karnataka	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	28	—
Kerala	—	2	—	—	—	1	—	1	—	—	—	1	—	—	—	2	20	—
Madhya Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	28*	—
Maharashtra	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	48	—
Manipur	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Meghalaya	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	2	—
Mizoram	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Nagaland	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	1	—
Odisha	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	21	—
Punjab	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	13	—
Rajasthan	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	25	—
Sikkim	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	1	—
Tamil Nadu	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	39	—
Telangana	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	17	—
Tripura	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Uttarakhand	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	5	—
Uttar Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	80	—
West Bengal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	42	—
UNION TERRITORIES																		
A & N Islands	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Chandigarh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Dadra & Nagar Haveli	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Daman & Diu	—	—	—	—	—	—	—	—	—	—	—	—		—	—	—	1	—
NCT of Delhi	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	7	—
Lakshadweep	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Puducherry	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	1	—
TOTAL	2	2	2	2	2	1	1	1	1	1	1	1	1	1	1	3	542*	—

* Excluding Speaker, LS
Two nominated members who have joined BJP with effect from 8.12.2015

Abbreviations used for Parties:

AAP–Aam Aadmi Party; AIADMK–All India Anna Dravida Munnetra Kazhagam; AIMEIM–All India Majlis-E-Ittehadul Muslimeen; AINRC–All India N.R. Congress; AITC–All India Trinamool Congress; AIUDF–All India United Democratic Front; AD–Apna Dal; BJD–Biju Janata Dal; BJP–Bharatiya Janata Party; CPI(M)–Communist Party of India (Marxist); CPI–Communist Party of India; INC–Indian National Congress; IND–Independents; INLD–Indian National Lok Dal; IUML–Indian Union Muslim League; JKPDP–Jammu & Kashmir People's Democratic Party; JD(S)–Janata Dal (Secular); JD(U)–Janata Dal (United); JMM–Jharkhand Mukti Morcha; KC(M)–Kerala Congress(M); LJSP–Lok Jan Shakti Party; NCP–Nationalist Congress Party; NPF–Nagaland Peoples Front; NPP–Nationalist People's Party; PMK–Pattali Makkal Katchi; RJD–Rashtriya Janata Dal; RLSP–Rashtriya Lok Samta Party; RSP–Revolutionary Socialist Party; SAD–Shiromani Akali Dal; SDF–Sikkim Democratic Front; SP–Samajwadi Party; SWP–Swabhimani Paksha; SS–Shiv Sena; TDP–Telugu Desam Party; TRS–Telangana Rashtra Samithi; YSRCP–Yuvajana Sramika Rythu Congress Party

B. PA1RTY POSITION IN RAJYA SABHA (AS ON 13 OCTOBER 2015)

Sl. No.	States/Union Territories	Seats	INC	BJP	SP	CPI (M)	JD (U)	AIA-DMK	BSP	CPI	*Others	IND	Total	Vacan-cies
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
STATES														
1.	Andhra Pradesh	11	6	1	—	—	—	—	—	—	4[a]	—	11	—
2.	Arunachal Pradesh	1	1	—	—	—	—	—	—	—	—	—	1	—
3.	Assam	7	6	—	—	—	—	—	—	—	1[b]	—	7	—
4.	Bihar	16	—	4	—	—	12	—	—	—	—	—	16	—
5.	Chhattisgarh	5	2	3	—	—	—	—	—	—	—	—	5	—
6.	Goa	1	1	—	—	—	—	—	—	—	—	—	1	—
7.	Gujarat	11	3	8	—	—	—	—	—	—	—	—	11	—
8.	Haryana	5	2	2	—	—	—	—	—	—	1[c]	—	5	—
9.	Himachal Pradesh	3	1	2	—	—	—	—	—	—	—	—	3	—
10.	Jammu & Kashmir	4	1	1	—	—	—	—	—	—	2[d]	—	4	—
11.	Jharkhand	6	2	1	—	—	—	—	—	—	2[e]	1	6	—
12.	Karnataka	12	4	5	—	—	—	—	—	—	1[f]	2	12	—
13.	Kerala	9	3	—	—	4	—	—	—	—	2[g]	—	9	—
14.	Madhya Pradesh	11	3	8	—	—	—	—	—	—	—	—	11	—
15.	Maharashtra	19	5	3	—	—	—	—	—	—	10[h]	1	19	—
16.	Manipur	1	1	—	—	—	—	—	—	—	—	—	1	—
17.	Meghalaya	1	1	—	—	—	—	—	—	—	—	—	1	—
18.	Mizoram	1	1	—	—	—	—	—	—	—	—	—	1	—
19.	Nagaland	1	—	—	—	—	—	—	—	—	1[i]	—	1	—
20.	Odisha	10	1	—	—	—	—	—	—	—	6[j]	2	9	1
21.	Punjab	7	3	1	—	—	—	—	—	—	3[k]	—	7	—
22.	Rajasthan	10	4	5	—	—	—	—	—	—	—	1	10	—

23.	Sikkim	1	—	—	—	—	—	—	—	—	1[l]	—	1	—
24.	Tamil Nadu	18	1	—	—	—	—	11	—	1	4[m]	—	18	—
25.	Telangana	7	4	—	—	—	—	—	—	—	3[n]	—	7	—
26.	Tripura	1	—	—	—	1	—	—	—	—	—	—	1	—
27.	Uttarakhand	3	2	1	—	—	—	—	—	—	—	—	3	—
28.	Uttar Pradesh	31	3	3	15	—	—	—	10	—	—	—	31	—
29.	West Bengal	16	1	—	—	3	—	—	—	—	12[o]	—	16	—
UNION TERRITORIES														
30.	The NCT of Delhi	3	3	—	—	—	—	—	—	—	—	—	3	—
31.	Puducherry	1	1	—	—	—	—	—	—	—	—	—	1	—
32.	Nominated	12	2	—	—	—	—	—	—	—	10[p]	—	12	—
TOTAL		245	67	49	15	9	12	11	10	1	63	7	244	1

Others
(Break-up of Parties/Groups)

(a) TDP-3, TRS-1
(b) BPF-1
(c) INLD-1
(d) J&K PDP-2
(e) RJD-1, JMM-1
(f) JD(S)-1
(g) KC(M)-1, IUML-1
(h) NCP-6, SS-3, RPI(A)-1
(i) NPF-1
(j) BJD-6
(k) SAD-3
(l) SDF-1
(m) DMK-4
(n) TDP-3
(o) AITC-12
(p) Nominated-10

C. PARTY POSITION IN STATE / UNION TERRITORY LEGISLATURES

States/Union territories	Seats (Actual)	INC	BJP	CPI (M)	CPI	NCP	BSP	Janata Dal (U)	Janata Dal (S)	Other Parties	Inde-pendent	Total (Present)	Vacan-cies
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Andhra Pradesh L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Andhra Pradesh L.C.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Arunachal Pradesh L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Assam L.A.	126	68	6	—	—	—	—	—	—	38[a]	2	114	12
Bihar L.A.	243	27	53	—	—	—	—	71	—	87[b]	4	242	1
Bihar L.C.	75	5	22	—	2	—	—	30	—	8[c]	4	75	4
Chhattisgarh L.A.	91	39	49	—	—	—	1	—	—	1[d]	1	91	—
Goa L.A.	40	9	21	—	—	—	—	—	—	5[e]	5	40	—
Gujarat L.A.**	182	57	120	—	—	2	—	1	—	—	1	181	1
Haryana L.A.**	90	15	46	—	—	—	1	—	—	23[f]	5	90	—
Himachal Pradesh L.A.*	—	—	—	—	—	—	—	—	—	–	—	—	—
Jammu & Kashmir L.A.	89	12	26	1	—	—	—	—	—	47[g]	3	89	—
Jammu & Kashmir L.C.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.A.	225	122	42	—	—	—	—	—	40	—	9	222	3
Karnataka L.C.	75	28	30	—	—	—	—	—	11	1[h]	4	74	1
Kerala L.A.	141	39	—	44	13	2	—	2	4	34	2	140	1
Madhya Pradesh L.A.	231	57	164	—	—	—	4	—	—	2[i]	3	230	1
Maharashtra L.A.	289	42	122	1	—	41	—	—	—	74[j]	7	287	2
Maharashtra L.C.	78	21	12	—	—	—	—	—	—	10[k]	7	78	—
Manipur L.A.	58	43	2	—	—	1	—	—	—	10[l]	—	58	—
Meghalaya L.A.	60	30	—	—	—	2	—	—	—	15	13	60	—
Mizoram L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland L.A.*	—	—	—	—	—	—	—	—	—	–	—	—	—
Orissa L.A.*	—	—	—	—	—	—	—	—	—	–	—	—	—
Punjab L.A.*	—	—	—	—	—	—	—	—	—	–	—	—	—
Rajasthan L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim L.A.**	—	—	—	—	—	—	—	—	—	–	—	—	—

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Tamil Nadu L.A.	235	5	—	10	8	—	—	—	—	211[m]	—	234	1
Telangana L.A.	120	20	5	1	1	—	—	—	—	91	1	119	1
Telangana L.C.	40	6	1	—	—	—	—	—	—	21	—	28	12
Tripura L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttarakhand L.A.	71	36	28	—	—	—	2	—	—	5	—	71	—
Uttar Pradesh L.A.	403	28	40	—	—	1	80	—	—	286[n]	6	400	3
Uttar Pradesh L.C.	100	2	7	—	—	—	45	—	—	35[o]	4	93	7
West Bengal L.A.	295	38	1	38	2	—	—	—	—	211	2	292	3
UNION TERRITORIES													
Delhi L.A.	70	—	3	—	—	—	—	—	—	67[p]	—	70	—
Puducherry L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—

* No information received from State/UT Legislatures

a) All India United Democratic Front-18, Bodoland People's Front-12, Asom Gana Parishad-7 and All India Trinamool Congress-1

b) Rashtriya Janata Dal-80, Communist Party of India (Marxist-Leninist) (Liberation)-3, Lok Jan Shakti Party-2, Rashtriya Lok Samta Party-1, Hindustani Awam Morcha (Secular)-1

c) Chairman-1, Deputy Chairman-1, Rashtriya Janata Dal-5 and Lok Jan Shakti Party-1

d) Nominated-1

e) Maharashtrawadi Gomantak Party-3 and Goa Vikas Party-2

f) Speaker-1, Indian National Lok Dal-19, Haryana Janhit Congress (BL)-2, Shiromani Akali Dal-1

g) Peoples Democratic Party-29, National Conference-15, Peoples Conference-2, Peoples Democratic Front-1

h) Chairman-1

i) Hon'ble Speaker-1 and Nominated-1

j) Shiv Sena Party-62, Peasant's and Workers Party-3, Bahujan Vikas Aghadi-3, All India Majlis Ittehad-ul- Muslimeen-2, Maharashtra Navnirman Sena-1, Samajwadi Party-1, Bharip Bahujan Mahasangh-1, Rashtriya Samaj Party-1

k) Shivsena-7, Lokbharti-1, Peasants and Workers Party of India-1, People Republican Party-1

l) Manipur State Congress Party-5, All India Trinamool Congress-4, Naga people Front-4 and Lok Jan Shakti Party-1

m) All India Anna Dravida Munnetra Kazhagam-150, Desia Murpokku Dravida Kazhagam-28, Dravida Munnetra Kazhagam-23, Pattali Makkal Katchi-3, Manithaneya Makkal Katachi-2, Puthiya Thamizhagam-2, All India Forward Bloc-1, Nominated Member-1 and Hon'ble Speaker-1

n) Samajwadi Party-228, Rashtriya Lok Dal-8, Peace Party-4, Quami Ekta Dal-2, Apna Dal-1, Ittehad-E-Millait Council-1, All India Trinamool Congress-1 and Nominated-1

o) Samajwadi Party-29, Shikashak Dal (Non-Political)-5 and Rastriya Lok Dal-1 (UP Leg. Council)

p) Aam Aadmi Party-67

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